



September 2015

MILITARY PERSONNEL

Additional Steps Are Needed to Strengthen DOD's Oversight of Ethics and Professionalism Issues

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Why GAO Did This Study

Professionalism and sound ethical judgment are essential to executing the fundamental mission of DOD and to maintaining confidence in military leadership, but recent DOD and military service investigations have revealed misconduct related to, among other things, sexual behavior, bribery, and cheating.

House Report 113-446 included a provision for GAO to review DOD's ethics and professionalism programs for military servicemembers. This report examines the extent to which DOD has developed and implemented (1) a management framework to oversee its programs and initiatives on ethics and professionalism; and (2) tools and performance metrics to identify, assess, and measure progress in addressing ethics and professionalism issues. GAO analyzed DOD guidance and documents related to military ethics and professionalism, reviewed literature to identify ethics issues and practices, and interviewed DOD, industry, and foreign military officials experienced in implementing ethics and professionalism programs.

What GAO Recommends

GAO recommends DOD determine whether there is a need for a values-based program, assess the expansion of training, modify guidance, assess the use of a key tool for identifying ethics and professionalism issues, and develop performance metrics. DOD generally or partially concurred with these recommendations but did not agree to develop information to assess the Advisor's office. GAO continues to believe the recommendations are valid, as further discussed in the report.

View [GAO-15-711](#). For more information, contact Brenda S. Farrell at (202) 512-3604 or FarrellB@gao.gov.

MILITARY PERSONNEL

Additional Steps Are Needed to Strengthen DOD's Oversight of Ethics and Professionalism Issues

What GAO Found

The Department of Defense (DOD) has a management framework to help oversee its existing ethics program and has initiated steps to establish such a framework to oversee its professionalism-related programs and initiatives, but its efforts could be strengthened in both areas.

- DOD has a decentralized structure to administer and oversee its existing, required compliance-based ethics program, which focuses on ensuring adherence to rules. However, DOD has not fully addressed a 2008 internal recommendation to develop a department-wide values-based ethics program, which would emphasize ethical principles and decision-making to foster an ethical culture and achieve high standards of conduct. In 2012, DOD studied the design and implementation of a values-based ethics program and in 2013 delivered related training to certain DOD personnel. DOD has decided to take no further actions to establish a values-based ethics program, but it has not demonstrated that additional actions are unwarranted or assessed the feasibility of expanding training to additional personnel. As a result, the department neither has assurance that it has adequately addressed the identified need for a values-based ethics program nor has information needed to target its training efforts appropriately.
- DOD established a 2-year, potentially renewable, position for a Senior Advisor for Military Professionalism, ending in March 2016, to oversee its professionalism-related efforts. Since 2014 the Advisor's office has identified and taken steps toward implementing some of its major tasks, which relate to coordinating and integrating DOD's efforts on professionalism. Professionalism relates to the values, ethics, standards, code of conduct, skills, and attributes of the military workforce. However, the office has not developed timelines or information to assess its progress in completing its major tasks. Thus, DOD does not have information to track the office's progress or assess whether the SAMP position should be retained after March 2016.

DOD has not fully implemented two key tools for identifying and assessing ethics and professionalism issues, and it has not developed performance metrics to measure its progress in addressing ethics-related issues. DOD has identified several tools, such as command climate and 360-degree assessments, that can be used to identify and assess ethics and professionalism issues. However, guidance issued by the military services for command climate assessments does not meet all statutory requirements and DOD guidance. As a result, the services do not have the required level of accountability during the performance evaluation process over the occurrence of these assessments, or assurances that all military personnel are able to anonymously participate in them. Further, the Navy, Marine Corps, and Joint Staff have developed and implemented 360-degree assessments for some but not all general and flag officers, and therefore some of these officers are not receiving valuable feedback on their performance as intended by DOD guidance. Finally, federal internal control standards emphasize the assessment of performance over time, but DOD is unable to determine whether its ethics and professionalism initiatives are achieving their intended effect because it has not developed metrics to measure their progress.

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Abbreviations

DOD	Department of Defense
SAMP	Senior Advisor for Military Professionalism
SOCO	Standards of Conduct Office

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September 3, 2015

Congressional Committees

In November 2012, the Secretary of Defense stated that professionalism and sound ethical judgment are essential to executing the fundamental mission of the Department of Defense (DOD) and to maintaining confidence in military leadership.¹ The 2015 National Security Strategy similarly emphasizes the need to develop leaders committed to an expert and ethical military profession.² Military personnel are required to adhere to ethical principles and standards of conduct established in federal statutes and departmental guidance pertaining to, among other things, financial disclosure, conflicts of interest, gift acceptance, and travel. Recent DOD and military service investigations of misconduct by active duty servicemembers, including general and flag officers,³ have placed DOD's ethics and professionalism programs under increased presidential, congressional, and departmental scrutiny. These investigations have revealed misconduct related to, among other things, sexual behavior, bribery, travel, use of government funds, and cheating.⁴

¹ For the purposes of this report, the term "professionalism" relates to the military profession, which is defined by values, ethics, standards, code of conduct, and skills and attributes. "Ethics" relates to DOD's required rules-based program, which ensures compliance with standards of conduct.

² The White House, *2015 National Security Strategy* (February 2015).

³ General and flag officers are the elite leaders of the U.S. military at the rank of Brigadier General and above (for the Army, the Air Force, and the Marine Corps) and Rear Admiral and above (for the Navy).

⁴ For example, see: Department of Defense, Office of Inspector General, *Investigation Concerning Major General (MG) William E. Ward, U.S. Army, Former Commander, U.S. Africa Command*, 11-119226-153 (Alexandria, Va: June 26, 2012); *Report of Investigation, Lieutenant General Patrick J. O'Reilly, US Army, Director, Missile Defense Agency*, H10116727365 (Alexandria, VA: May 2, 2012); Department of Navy, Office of Inspector General, *Senior Official Cases: 201202138 Alleging Violation of Joint Travel Regulations by Radm Mark F. Heinrich, Capt (Rdml Select) David R. Pimpo and Capt (Rdml Select) Donald L. Singleton; 201204067, Alleging Radm Heinrich Improperly Solicited and Received Monies from an Outside Source; and 201300498 Alleging Radm Heinrich Made False Official Statements Pursuant to an Official Request* June 17, 2013).

Beginning in 2012, the President and the Secretary of Defense took a series of actions to assess and improve the department's ethical and professional culture, including initiating a review of ethical content in professional military education, developing 13 character development initiatives for general and flag officers, and establishing the Senior Advisor for Military Professionalism (SAMP). In May 2014, Congress commended the department's efforts to focus on military ethics, character, and leadership, but expressed continuing concern regarding the roles, responsibilities, and effectiveness of the department's professionalism and ethics programs. House Report 113-446 accompanying a proposed bill for the National Defense Authorization Act for Fiscal Year 2015⁵ included a provision for GAO to review DOD's professionalism, ethics, and integrity programs for officers and enlisted military servicemembers. Accordingly, this report examines the extent to which DOD has developed and implemented: (1) a management framework to oversee its programs and initiatives on ethics and professionalism for active duty officers and enlisted servicemembers; and (2) tools and performance metrics to identify, assess, and measure its progress in addressing ethics and professionalism issues.

For the first objective, we assessed—against leading practices for strategic planning and performance management, and federal internal control standards—guidance, plans, and work products to determine the degree to which DOD has defined roles, responsibilities, timelines, and

⁵ H.R. Rep. No. 113-446, at 142 (2014).

measures.⁶ We also reviewed and compared actions and work products related to the department's ongoing and planned initiatives to establish a values-based ethics program and develop an ethical and professional culture against federal internal control standards, and reviewed practices for effective ethics programs⁷ and strategic training.⁸ We interviewed officials responsible for ethics and professionalism from the Office of the Secretary of Defense, the military services, and the Joint Staff to identify additional actions and determine progress in these areas. We also met with foreign military officials, defense industry organizations, and commercial firms that we identified during our preliminary research and

⁶ For example, see strategic planning and performance management practices in GAO, *Managing for Results: Enhancing Agency Use of Performance Information for Management Decision Making*, [GAO-05-927](#) (Washington, D.C.: Sept. 9, 2005); *Agency Performance Plans: Examples of Practices That Can Improve Usefulness to Decisionmakers*, [GAO/GGD/AIMD-99-69](#) (Washington, D.C.: Feb. 26, 1999); *Electronic Warfare: DOD Actions Needed to Strengthen Management and Oversight*, [GAO-12-479](#) (Washington D.C.: July 9, 2012); and *Reserve Forces: Army Needs to Finalize an Implementation Plan and Funding Strategy for Sustaining an Operational Reserve Force*, [GAO-09-898](#) (Washington, D.C.: Sept. 17, 2009). To identify these leading practices, we reviewed relevant literature including previous GAO reports; spoke with experts in using performance information; and held group discussions with federal program managers. We also interviewed individuals from five federal agencies and reviewed documentation to illustrate how program managers have used performance information to make decisions. We identified uses for performance information including identifying problems and taking action, developing strategy and allocating resources, recognizing and rewarding performance, and identifying and sharing effective approaches. See [GAO-05-927](#) for additional details on the scope and methodology for identifying these leading practices. See also GAO, *Standards for Internal Control in the Federal Government*, [GAO/AIMD-00-21.3.1](#) (Washington, D.C.: November 1999).

⁷ [GAO/AIMD-00-21.3.1](#) and United States Sentencing Commission, *Guidelines Manual*, Chap.8 (November 2014). Although the guidelines manual provides guidelines and policy statements for sentencing courts to use when sentencing offenders convicted of federal crimes, they also outline seven elements of an effective compliance and ethics program that may mitigate the punishment of an organization. The guidelines have provided a key source of guidance influencing the development of ethics programs.

⁸ GAO, *Human Capital: A Guide for Assessing Strategic Training and Development Efforts in the Federal Government*, [GAO-04-546G](#) (Washington, D.C.: Mar. 2004). This guide provides a framework, consisting of a set of principles and key questions that federal agencies can use to ensure that their training and development investments are targeted strategically and are not wasted on efforts that are irrelevant, duplicative, or ineffective. Information in this guide was obtained through consultations with government officials and experts in the private sector, academia, and nonprofit organizations; examinations of laws and regulations related to training and development in the federal government; and reviewing the sizeable body of literature on training and development issues, including previous GAO reports. GAO has used this guide to analyze and report on training and development issues.

discussions with DOD officials as having experience in implementing and evaluating compliance-based or values-based ethics programs in the public and private sectors both domestically and internationally, and we reviewed relevant literature to identify ethics-related issues and best practices in DOD. Specifically, we met with officials from the Australia Department of Defence; Canada Department of National Defence; the Raytheon Company; Lockheed Martin Corporation; EthicsOne, Inc., and the Ethics Resource Center.

For our second objective, we examined assessment tools identified by DOD officials as containing ethics-related content.⁹ We also assessed the department's actions to implement and use the results of command climate and 360-degree assessments in accordance with statutory requirements¹⁰ and departmental guidance.¹¹ Command climate assessments are designed to assess opinions and perceptions of individuals within an organization, while 360-degree assessments are a professional developmental tool that allows individuals to gain insights on their character traits by soliciting feedback about their work performance from superiors, subordinates, and peers. Specifically, we reviewed departmental guidance, memorandums, and other implementing documentation, and we met with officials from the Office of the Secretary of Defense, the military services, and the Joint Staff. Additionally, we interviewed DOD officials to identify performance metrics that the department could use to measure its progress in addressing ethics and professionalism issues, and we assessed the department's ongoing

⁹ We did not assess the extent to which these tools contained ethics-related content.

¹⁰ Pub. L. No. 113-66, §§ 587 and 1721 (2013).

¹¹ Chairman of the Joint Chiefs of Staff Memorandum, *General and Flag Officer Character Implementation Plan*, Memorandum (Apr. 2, 2013); and Under Secretary of Defense for Personnel and Readiness, *Command Climate Assessments* (July 25, 2013).

efforts to identify such metrics against federal internal control standards and our prior work on performance measurement leading practices.¹²

We conducted this performance audit from September 2014 to September 2015 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Background

Distinguishing between Ethics and Professionalism

The DOD Joint Ethics Regulation defines ethics as standards that guide someone's behavior based on their values—which the regulation defines as core beliefs that motivate someone's attitudes and actions.¹³ The Joint Ethics Regulation identifies 10 primary ethical values that DOD personnel should consider when making decisions as part of their official duties. These values are: honesty, integrity, loyalty, accountability, fairness, caring, respect, promise-keeping, responsible citizenship, and pursuit of excellence. In addition to DOD's ethical values, each of the military services has established its own core values. For example, the core values of the Navy and the Marine Corps are honor, courage, and commitment. The Air Force's core values include integrity and service

¹² [GAO/AIMD-00-21.3.1](#); GAO, *Tax Administration: IRS Needs to Further Refine Its Tax Filing Season Performance Measures*, [GAO-03-143](#) (Washington, D.C.: Nov. 22, 2002); *GPRA Performance Reports*, [GAO/GGD-96-66R](#) (Washington, D.C.: Feb. 14, 1996); *Streamlining Government: Questions to Consider When Evaluating Proposals to Consolidate Physical Infrastructure and Management Functions*, [GAO-12-542](#) (Washington, D.C.: May 23, 2012); *Missile Defense: Opportunity to Refocus on Strengthening Acquisition Management*, [GAO-13-432](#) (Washington, D.C.: Apr. 26, 2013); *Performance Measurement and Evaluation: Definitions and Relationships*, [GAO-11-646SP](#) (Washington, D.C.: May 2011). GAO 12-542 specifically discusses the value of federal agencies engaging in large projects, including consolidating management functions, to use performance measures. These criteria were developed by reviewing GAO reports on consolidating initiatives and literature on public-sector consolidations, and interviewing a number of officials selected for their expertise in public management and government reform, among other things.

¹³ DOD 5500.07-R, *Joint Ethics Regulation* (Aug. 1993) (Incorporating Change 7, Nov. 17, 2011).

before self, and the Army's include loyalty, honor, duty, integrity, respect, and selfless service.

For the purposes of this report, we distinguish between compliance-based ethics programs and values-based ethics programs. We refer to compliance-based ethics programs as those that focus primarily on ensuring adherence to rules and regulations related to financial disclosure, gift receipt, outside employment activities, and conflicts of interest, among other things. In contrast, we use values-based ethics programs to refer to ethics programs that focus on upholding a set of ethical principles in order to achieve high standards of conduct. Values-based ethics programs can build on compliance to incorporate guiding principles such as values to help foster an ethical culture and inform decision-making where rules are not clear.¹⁴

Professionalism relates to the military profession, which DOD defines as the values, ethics, standards, code of conduct, skills, and attributes of its workforce.¹⁵ One of the military profession's distinguishing characteristics is its expertise in the ethical application of lethal military force and the willingness of those who serve to die for our nation. While DOD's leaders serve as the foundation and driving force for the military profession, DOD considers it the duty of each military professional to set the example of virtuous character and exceptional competence at every unit, base, and agency.¹⁶

Federal Ethics Laws and Regulations

There are numerous laws and regulations governing the conduct of federal personnel. The Compilation of Federal Ethics Laws prepared by the United States Office of Government Ethics includes nearly 100 pages of ethics-related statutes to assist ethics officials in advising agency

¹⁴ EthicsOne, Inc. and Ethics Resource Center, *United States Department of Defense Values Based Ethics Program Phase II: Recommendation for Program Design and Implementation* (July 16, 2012).

¹⁵ Chairman of the Joint Chiefs of Staff, *America's Military: A Profession of Arms White Paper*; and DOD, Senior Advisor for Military Professionalism, *Relationship between the Profession of Arms and Its Professionals* (January 2015).

¹⁶ Senior Advisor for Military Professionalism, *Relationship between the Profession of Arms and Its Professionals*.

Ethics Laws

employees.¹⁷ For the purposes of this report, we note some key laws and regulations relevant to military ethics and professionalism. The laws and regulations are complex and the brief summaries here are intended only to provide context for the issues discussed in this report.

The Ethics in Government Act of 1978 as amended established the Office of Government Ethics, an executive agency responsible for providing overall leadership and oversight of executive branch agencies' ethics programs to prevent and resolve conflicts of interest.¹⁸ To carry out these responsibilities, the Office of Government Ethics ensures that executive branch ethics programs are in compliance with applicable ethics laws and regulations through inspection and reporting requirements; disseminates and maintains enforceable standards of ethical conduct; oversees a financial disclosure system for public and confidential financial disclosure report filers; and provides education and training to ethics officials. The Ethics in Government Act of 1978 also requires certain senior officials in the executive, legislative, and judicial branches to file public reports of their finances and interests outside the government, and places certain limitations on outside employment.¹⁹

The main criminal conflict of interest statute, Section 208 of Title 18 of the U.S. Code, prohibits certain federal employees from personally and substantially participating in a particular government matter that will affect their financial interests or the financial interests of their spouse, minor child, or general partner, among others. The Office of Government Ethics implemented this statute in Title 5 of the Code of Federal Regulations (C.F.R.) Part 2640, which further defines financial interests and contains provisions for granting exemptions and individual waivers, among other things.

The Uniform Code of Military Justice establishes the military justice system and provides court-martial jurisdiction over servicemembers and

¹⁷ See United States Office of Government of Ethics, *Compilation of Federal Ethics Laws* (2015).

¹⁸ See Pub. L. No. 95-521 (1978) and codified at 5 U.S.C. app. § § 401, 402.

¹⁹ See 5 U.S.C. app. §§ 101, 102, and 502.

other categories of personnel.²⁰ Among other things, it defines criminal offenses under military law; and it authorizes commanding officers to enforce good order and discipline through the exercise of non-judicial punishment.²¹

Ethics Regulations

The Office of Government Ethics issued 5 C.F.R. Part 2635, which contains standards that govern the conduct of all executive branch employees.²² To supplement Title 5, some agencies have issued additional employee conduct regulations, as authorized by 5 C.F.R. § 2635.105. The Office of Government Ethics also issued Part 2638, which contains the Office of Government Ethics and executive branch agency ethics program responsibilities. For example, 5 C.F.R. § 2638.602 requires an agency to file a report annually with the Office of Government Ethics covering information on each official who performs the duties of a designated agency ethics official; statistics on financial disclosure report filings; and an evaluation of its ethics education, training and counseling programs. Additionally, 5 C.F.R. § 2638.701 requires that an agency establish an ethics training program that includes an initial orientation for all employees, and annual ethics training for employees who are required to file public financial disclosure reports and other covered employees.

The Joint Ethics Regulation²³ is DOD's comprehensive ethics policy and guidance related to the standards of ethical conduct. The regulation incorporates standards and restrictions from federal statutes, Office of Government Ethics regulations, DOD's supplemental regulation in 5 C.F.R. Part 3601, and Executive Order 12674 to provide a single source

²⁰ 10 U.S.C. Chap. 47 Article 2 establishes jurisdiction over categories of personnel such as members of the armed forces and civilians serving with or accompanying an armed force in the field in time of declared war or contingency operation, among others.

²¹ See, for example, Article 92, which makes punishable the failure to obey an order or regulation and Article 15 of the Uniform Code of Military Justice, which authorizes commanding officers to impose disciplinary punishment for minor offenses.

²² Executive Order 12674, *Principles of Ethical Conduct for Government Officers and Employees* (Apr. 12, 1989, as amended) directed the Office of Government Ethics to establish a single, comprehensive, and clear set of executive branch standards of conduct and set out fourteen basic principles of ethical conduct for employees of the executive branch, excluding enlisted military servicemembers. Part 2635 is made applicable to enlisted military servicemembers by DOD Directive 5500.07, *Standards of Conduct* and DOD 5500.07-R, *Joint Ethics Regulation*.

²³ DOD 5500.07-R, *Joint Ethics Regulation*.

of guidance for the department's employees on a wide range of rules and restrictions, including issues such as post-government employment, gifts, financial disclosure, and political activities. The Joint Ethics Regulation establishes DOD's ethics program and defines the general roles and responsibilities of the officials who manage the ethics program at the departmental and subordinate organizational levels. For example, the Joint Ethics Regulation requires that the head of each DOD agency assign a designated agency ethics official to implement and administer all aspects of the agency's ethics program. This regulation also defines the roles and responsibilities of ethics counselors related to ethics program implementation and administration.

The Panel on Contracting Integrity

The Panel on Contracting Integrity was established by DOD in 2007 pursuant to Section 813 of the John Warner National Defense Authorization Act for Fiscal Year 2007.²⁴ Chaired by the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Panel consists of a cross-section of senior-level DOD officials who review the department's progress in eliminating areas of vulnerability in the defense contracting system that allow fraud, waste, and abuse to occur, and it recommends changes in law, regulations, and policy. The Panel was due to terminate on December 31, 2009, but Congress extended the Panel's existence until otherwise directed by the Secretary of Defense, and at a minimum through December 31, 2011.²⁵ As directed, in 2007, the Panel began submitting annual reports to Congress containing a summary of the Panel's findings and recommendations. Several of the Panel's findings and recommendations pertain to DOD ethics.

²⁴ Pub. L. No. 109-364, § 813 (2006).

²⁵ Pub. L. No. 111-23, § 207(e) (2009). According to officials from the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Panel members subsequently voted to keep the Panel intact.

DOD Has a Management Framework to Help Oversee Its Ethics and Professionalism Programs and Initiatives but Has Not Taken Certain Actions That Could Promote Continued Progress

DOD has a management framework to help oversee its required ethics program, and it has initiated steps to establish a management framework to oversee its professionalism-related programs and initiatives. However, DOD has not fully addressed an internal recommendation to develop a department-wide values-based ethics program, and it does not have performance information to assess the Senior Advisor for Military Professionalism's (SAMP) progress and to inform its decision on whether the office should be retained beyond March 2016.

DOD Has a Management Framework to Help Oversee Its Ethics Program but Has Not Fully Addressed an Internal Recommendation to Develop a Values-Based Ethics Program

DOD Has a Management Framework in Place to Oversee Its Established Ethics Program

DOD has a decentralized structure to administer and oversee its required ethics program and to ensure compliance with departmental standards of conduct. This structure consists of 17 Designated Agency Ethics Officials positioned across the department.²⁶ Each Designated Agency Ethics Official, typically the General Counsel, is appointed by the head of his or her organization, and is responsible for administering all aspects of the

²⁶ The 17 Designated Agency Ethics Officials reside in the following DOD organizations: Office of the Secretary of Defense (DOD General Counsel); Department of the Army, Department of the Navy, Department of the Air Force; Defense Commissary Agency; Defense Contract Audit Agency; Defense Finance and Accounting Service; Defense Information Systems Agency; Defense Intelligence Agency; Defense Security Service; Defense Logistics Agency; National Geospatial-Intelligence Agency; Defense Threat Reduction Agency; National Security Agency; Office of the Inspector General; Uniformed Services University of the Health Sciences; and the Armed Services Board of Contract Appeals.

ethics program within his or her defense organization. This includes managing the financial disclosure reporting process, conducting annual ethics training, and providing ethics advice to employees. To assist in implementing and administering the organization's ethics program, each Designated Agency Ethics Official appoints ethics counselors. Attorneys designated as ethics counselors support ethics programs by providing ethics advice to the organization's employees, among other things. Within the military departments, the Judge Advocate Generals provide ethics counselors under their supervision with legal guidance and assistance and support all aspects of the departments' ethics programs.

The DOD Standards of Conduct Office (SOCO), on behalf of the DOD General Counsel, administers the ethics program for the Office of the Secretary of Defense and coordinates component organization ethics programs. SOCO is responsible for developing and establishing DOD-wide ethics rules and procedures and for promoting consistency among the component organizations' ethics programs by providing information, uniform guidance, ethics counselor training, and sample employee training materials. According to the Joint Ethics Regulation, the DOD General Counsel is responsible for providing SOCO with sufficient resources to oversee and coordinate DOD component organization ethics programs. The DOD General Counsel also represents DOD on matters relating to ethics policy.

DOD Has Not Fully Addressed the Panel on Contracting Integrity's Recommendation to Develop a Values-Based Ethics Program

DOD has taken steps toward developing a values-based ethics program but has not fully addressed the recommendation of the Panel on Contracting Integrity to develop a department-wide values-based ethics program.²⁷ For instance, DOD has taken steps such as conducting a department-wide survey of its ethical culture and a study of the design and implementation of such a program. DOD also began delivering values-based ethics training annually in 2013 to select personnel.

In 2008, the Panel on Contracting Integrity recommended in its report to Congress²⁸ that DOD develop a department-wide values-based ethics

²⁷ Department of Defense, Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics; *Panel on Contracting Integrity 2008 Report to Congress* (Jan. 5, 2009).

²⁸ Under Secretary of Defense for Acquisition, Technology, and Logistics; *Panel on Contracting Integrity 2008 Report to Congress*.

program to complement its existing rules-based compliance program managed by SOCO. The report noted that while SOCO had been effective in demanding compliance for set rules, the ethics program may have provided the false impression that promoting an ethical culture was principally the concern of the Office of General Counsel, when integrity is a leadership issue, and therefore everyone's concern. In 2010, the Panel also noted that an effective values-based ethics program, as evidenced by the many robust programs employed by DOD contractors, cannot be limited to educating DOD leadership; rather, it must be aimed at promoting an ethical culture among all DOD employees.²⁹ The Panel's recommendation was based in part on the Defense Science Board's 2005 finding that while DOD had in place a number of pieces for an ethically grounded organization, it lagged behind best-in-class programs in creating a systematic, integrated approach and in demonstrating the leadership necessary to drive ethics to the forefront of organizational behavior.³⁰ The Panel reiterated its recommendation for a department-wide values-based program in its 2009 and 2010 reports to Congress.³¹

In response to the Panel's recommendation, DOD contracted for a 2010 survey³² and a 2012 study³³ to assess DOD's ethical culture and to design and implement a values-based ethics program, respectively. The 2010 survey assessed various dimensions of ethical behavior, including the level of leadership involvement in the ethics program and the extent to which employees perceive a culture of values-based ethics and are recognized and rewarded for ethics excellence. The survey report findings showed that DOD's overall ethics score was comparable to that

²⁹ Department of Defense, Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics; *Panel on Contracting Integrity 2010 Report to Congress* (January 2011).

³⁰ Department of Defense, Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics, *Report of the Defense Science Board Task Force on Management Oversight in Acquisition Organizations* (March 2005).

³¹ Department of Defense, Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics, *Panel on Contracting Integrity 2009 Report to Congress* (January 2009) and *Panel on Contracting Integrity 2010 Report to Congress* (Jan. 11, 2011) The Panel's 2010 report to Congress was its last.

³² Council of Ethical Organizations and Human Resources Research Organization, *United States Department of Defense Survey Report* (Aug. 31, 2010).

³³ Ethics One, Inc. and Ethics Resource Center, *United States Department of Defense Values-Based Ethics Program –Phase II* (July 16, 2012).

of other large federal government organizations, but advocated for a values-based approach to address ethical culture weaknesses. For example, the survey report stated that:

- employees believe that DOD rewards unethical behavior to an extent that is well above average;
- employees fear retribution for reporting managerial/commander misconduct to an extent that is well above average; and
- the number of employees who acknowledge regularly receiving ethics information and training is comparatively low.³⁴

The 2012 study reinforced the need for a department-wide values-based ethics program—noting that DOD lagged behind common practices, among other things—and made 14 recommendations related to establishing such a program. Notably, these recommendations included developing an independent Office of Integrity and Standards of Conduct; adopting a set of core values representing all of DOD; conducting annual core values training for all DOD employees; and periodically measuring program effectiveness. In 2013, the Panel on Contracting Integrity issued a memorandum to SOCO stating that, after reviewing the 2012 study's recommendations, SOCO was better positioned than the Panel to implement the study's recommendations.

In 2013, SOCO partially implemented 1 of the study's 14 recommendations by annually delivering values-based ethics training to DOD financial disclosure filers³⁵—who are required to receive annual ethics training³⁶—as well as other select military and civilian personnel.

³⁴ The survey attained an overall response rate of approximately 23 percent but a non-response bias analysis was not performed to test whether the employees who responded were significantly different from those who did not respond on some important characteristics. Therefore, it is possible that the survey results represent only the opinions of those employees who responded to the survey and do not represent the opinions of all employees as the report concluded.

³⁵ See 5 C.F.R. §§ 2634.202 and 2634.904. Military financial disclosure filers include two groups: public and confidential. Military public financial disclosure filers include military officers whose pay grade is O-7 and above. Military confidential filers include, among others, military servicemembers whose pay grade is lower than O-7 who are required to participate personally and substantially in taking government action regarding certain activities, such as contracting and procurement; and servicemembers whom the organization concludes require a report to avoid involvement in a real or apparent conflict of interest and to carry out the purposes behind any statute, Executive Order, rule, or regulation applicable to or administered by the employee.

³⁶ See 5 C.F.R. §§ 2638.704 and 2638.705.

This training emphasizes DOD and military service core values such as honor, courage, and integrity; highlights cases of misconduct; discusses ethical decision-making; and features senior-leader involvement in presentations to emphasize its importance. In 2014, the Under Secretary of Defense for Acquisition, Technology, and Logistics directed that all acquisition workforce personnel also complete this training annually to reinforce the importance of ethical decision-making. SOCO officials stated that they encourage all DOD organizations to administer this values-based annual ethics training and to extend this training to other personnel not required to receive mandatory annual ethics training. In 2014, DOD reported that about 146,000 department personnel³⁷ received annual ethics training. We estimate that this represents about 5 percent of DOD's total workforce.³⁸

The Federal Sentencing Guidelines,³⁹ a key source of guidance often used in developing effective ethics programs, encourage organizations to train all employees periodically on ethics. Similarly, DOD's 2012 study recommended mandatory annual training on integrity and ethics for all DOD employees, and the 2008 Panel report stated that an effective values-based ethics program must be aimed at promoting an ethical culture among all DOD employees. Several of the DOD, foreign military, and industry organizations we spoke with cited the importance of training to convey information about ethics. For example, SOCO officials stated that positive feedback from the initial values-based training rollout in 2013 influenced their decision to continue with this format in 2014, while officials from the SAMP office stated that employees need to be reminded of ethics periodically, and that senior leadership should be retrained continuously on ethics rules. Additionally, officials from each of the four

³⁷ This includes active duty, reserve, and civilian personnel reported to the Office of Government Ethics by the 17 DOD Designated Agency Ethics Officials, excluding the National Security Agency.

³⁸ In its Fiscal Year 2016 budget request, the Office of the Under Secretary of Defense (Comptroller) reported Fiscal Year 2014 personnel totals including 1,388,200 active duty military personnel; 824,400 reserve component personnel; and 756,086 civilian full-time equivalents. To determine the total number of personnel for the purpose of estimating the percentage of DOD personnel receiving annual ethics training, we treated civilian full-time equivalents the same as active duty end strength, recognizing that the actual number of civilian personnel likely exceeds the number of civilian full-time equivalents. As a result, our calculation likely overestimates the percentage of DOD personnel who received annual ethics training in Fiscal Year 2014.

³⁹ See U.S. Sentencing Commission, *Guidelines Manual* (November 2014).

industry and foreign military organizations we contacted stated that ethics training within their organizations was either mandatory for all employees on a periodic basis or available to all employees in one or more formats.

As noted above, SOCO encourages DOD organizations to administer values-based annual training to non-mandatory personnel, but neither SOCO nor the military departments have assessed the feasibility of expanding this training to additional personnel. A SOCO official stated that annual training could be expanded to a larger group of employees, potentially on a periodic instead of an annual basis, but that any decision to appreciably expand ethics training would have to consider factors such as associated costs related to the time and effort for leaders and ethics counselors to conduct training, employee hours to take training, and administrative support time to track compliance with the training requirement. This SOCO official noted also that the Army required face-to-face annual ethics training for all employees from approximately 2002 through 2006 but subsequently eliminated the requirement because of the resource burden and the concern that training was not needed for most enlisted personnel and junior officers. Our work on human capital states that agencies should strategically target training to optimize employee and organizational performance by considering whether expected costs associated with proposed training are worth the anticipated benefits over the short and long terms.⁴⁰ Without considering such factors in an assessment of the feasibility of expanding mandatory annual values-based ethics training to a greater number of DOD employees, the department may be limited in its ability to properly target this training, and therefore may be missing opportunities to promote and enhance DOD employees' familiarity with values-based ethical decision-making.

⁴⁰ GAO, *Human Capital: A Guide for Assessing Strategic Training and Development Efforts in the Federal Government*, [GAO-04-546G](#) (Washington, D.C.: March 2004). This guide provides a framework, consisting of a set of principles and key questions that federal agencies can use to ensure that their training and development investments are targeted strategically and are not wasted on efforts that are irrelevant, duplicative, or ineffective. Expected costs of training include development costs, direct and indirect (i.e., overhead) implementation costs, participant compensation, and lost productivity. Anticipated benefits include increased productivity, improved quality, reduced errors, and time and resource savings. Information in this guide was obtained through consultations with government officials and experts in the private sector, academia, and nonprofit organizations; examinations of laws and regulations related to training and development in the federal government; and reviewing the sizeable body of literature on training and development issues, including previous GAO reports. GAO has used this guide to analyze and report on training and development issues.

With respect to the other 13 recommendations from the 2012 study, SOCO officials stated that they do not plan to take further action. These officials also stated that they have not formally responded to the Panel's original recommendation to develop a values-based ethics program or its subsequent memorandum. SOCO officials expressed support for developing a values-based ethics program provided that such a program were properly resourced and focused on substantive issues instead of process. Similarly, officials from the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics stated that the department would benefit from the creation of such a program, and stressed the need for senior leaders to be involved in promoting awareness of ethical issues. However, SOCO officials stated that the Panel and 2012 study recommendations were not binding, and that SOCO—which is staffed by five attorneys—would not be optimally positioned to develop a department-wide program. These officials also stated that implementing all of the study's other 13 recommendations was neither feasible nor advisable, and they cited existing practices as being consistent with some of the study's recommendations. For example:

- The study's recommendation to move SOCO from under the Office of General Counsel and rebrand it as an independent Office of Integrity and Standards of Conduct was not possible because ethics counselors are required to be attorneys, according to the Joint Ethics Regulation, and must therefore remain under the supervision of the DOD General Counsel in order to provide the legal advice that the department and its personnel require.⁴¹
- The study's recommendation to create a direct link between senior leadership and the Secretary of Defense on ethics and professionalism matters is addressed, in part, by the SAMP position that was created in March 2014. However, as discussed later in this report, if DOD decides not to renew this position or retain its functions beyond March 2016, DOD will lose its direct link between senior leadership and the Secretary of Defense on ethics and professionalism matters. Both SAMP and SOCO officials stated that there is an enduring need for such a link or the functions performed by the SAMP office, and officials from three of the four industry and foreign military organizations we contacted stated that their organization had in place a direct link to senior leadership on ethics-related matters.

⁴¹ DOD 5500.07-R, *Joint Ethics Regulation*.

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- The study's recommendation to assess and mitigate ethical culture and compliance risk is consistent with SOCO's current practice of informally reviewing misconduct reports and survey results, conducting ethics program reviews, consulting ethics officials, and factoring perceived trends into training plans and appropriate ethics guidance and policy.

Federal internal control standards emphasize the need for managers to respond to findings and recommendations from audits and reviews and to complete all actions that correct or otherwise resolve the matters brought to management's attention within established timeframes, or alternatively to demonstrate that actions are unwarranted.⁴² However, DOD has not identified actions or established timeframes for fully responding to the Panel's recommendation or the 2012 study's other 13 recommendations; nor has it informed the Panel that it plans to take no further action. While not binding, the Panel's recommendation to establish a department-wide values-based ethics program represents a need identified by senior leaders from across the department. Without identifying actions DOD intends to take, with timeframes, to address the Panel's recommendation, including the study's other 13 recommendations, or demonstrating that further action is unwarranted, the department does not have assurance that the identified need for a values-based ethics program has been addressed.

DOD Established an Office to Coordinate Its Professionalism Initiatives but Does Not Have Timelines or Performance Measures to Determine Whether the Office Should Be Retained

DOD Established the SAMP to Coordinate the Department's Professionalism Initiatives

In March 2014, the Secretary of Defense reaffirmed the previous Secretary's prioritization of professionalism as a top concern for DOD's senior leadership by establishing the office of the SAMP, headed by a Navy Rear Admiral (Upper Half), which reports directly to the Secretary of

⁴² [GAO/AIMD-00-21.3.1](#).

Defense.⁴³ The SAMP position was established for a 2-year term, with an option to renew, and it is supported by an independent office consisting of six permanent staff members comprised variously of Air Force, Army, Navy, Marine Corps, and Army National Guard Lieutenant Colonels, Colonels, Commanders and Captains, and one contract employee who provides administrative support. SAMP officials stated that they were unclear about the rationale behind the initial 2-year term. The office is embedded in the Office of the Under Secretary of Defense for Personnel and Readiness, and it has been fully staffed since July 2014.

The purpose of the SAMP office is to coordinate and ensure the integration of the department's ongoing efforts to improve professionalism, and to make recommendations to senior DOD leadership that complement and enhance such efforts. The office primarily interacts with senior DOD leadership through the Senior Leadership Forum on Military Professionalism, which meets every 5 weeks, and is comprised of the Secretary of Defense, military service secretaries and chiefs, and the DOD General Counsel, among others.⁴⁴ The office supports this forum by promulgating an agenda, raising issues for discussion and decision, and briefing leadership on relevant department-wide activities. Recent department-wide activities have been wide-ranging, and include (1) 13 character development initiatives for general and flag officers; (2) a review of ethics content in professional military education; and (3) the development of tools, such as command climate and 360-degree assessments, that can be used to identify and assess ethics-related issues. These and various other initiatives and senior-level communications directed by the President, the Secretary of Defense, and Congress are intended to enhance DOD's ethical culture and to emphasize the importance of ethics and professionalism to departmental personnel. A timeline of key ethics and professionalism events and communications since 2007 is shown in appendix II.

⁴³ According to SAMP officials, the SAMP position is a congressionally recognized overstrength position. As such, it is not a permanent position and was not reallocated from elsewhere within the department.

⁴⁴ The SAMP office also meets monthly with a General Officer Steering Committee. Composed of 1 and 2-star general and flag officers from each of the military services, the committee's current primary objective is to identify issues for the Senior Leadership Forum. According to SAMP officials, the committee is well positioned to serve as the core of a community of practice to facilitate the exchange of ideas between the military services and other organizations from industry, academia, and other militaries.

DOD Does Not Have Timelines or Performance Measures to Assess SAMP's Progress and to Inform Decision Making on Whether the SAMP Should Be Retained

In September 2014, the SAMP office developed a plan outlining its major tasks across three phases: (1) assess the state of the profession, (2) strengthen and sustain professional development, and (3) foster trust through transparent accounting of efforts. Tasks across each respective phase include conducting a survey to assess DOD's ethical culture; identifying tools for individual professional development and evaluation; and developing an annual report card that highlights trends, best practices, and underperforming professionalism-related programs.

DOD does not have timelines or performance measures to assess SAMP's progress and to inform its decision on whether the SAMP position should be retained. Our work on strategic planning has found that leading practices, such as developing detailed plans outlining major implementation tasks and defining measures and timelines to assess progress, contribute to effective and efficient operations.⁴⁵ Additionally, leading organizations that have progressed toward results-oriented management use performance information as a basis for making resource allocation decisions, planning, budgeting, and identifying priorities.⁴⁶ The SAMP office has taken steps toward implementing its major tasks, but DOD does not have key performance information to help inform the decision as to whether the SAMP position should be retained beyond its initial 2-year term—which is set to expire in March 2016. The SAMP office has drafted a white paper exploring the relationship between the military profession and the military professional, developed a catalogue documenting tools that can be used to assess ethics-related issues, and initiated steps to update the 2010 department-wide survey of DOD's ethical culture. In addition, the SAMP office has canvassed the

⁴⁵ GAO, *Electronic Warfare: DOD Actions Needed to Strengthen Management and Oversight*, [GAO-12-479](#) (Washington D.C.: July 9, 2012); and *Reserve Forces: Army Needs to Finalize an Implementation Plan and Funding Strategy for Sustaining an Operational Reserve Force*, [GAO-09-898](#) (Washington, D.C.: Sept. 17, 2009).

⁴⁶ GAO, *Managing for Results: Enhancing Agency Use of Performance Information for Management Decision Making*, [GAO-05-927](#) (Washington, D.C.: Sept. 9, 2005). To identify these leading practices, we reviewed relevant literature including previous GAO reports, spoke with experts in using performance information, and held group discussions with federal program managers. We also interviewed individuals from five federal agencies and reviewed documentation to illustrate how program managers have used performance information to make decisions. We identified uses for performance information including identifying problems and taking action, developing strategy and allocating resources, recognizing and rewarding performance, and identifying and sharing effective approaches. See [GAO-05-927](#) for additional details on the scope and methodology for identifying these leading practices.

military services to identify service-level initiatives for civilian personnel that are similar to the 13 general and flag officer initiatives,⁴⁷ conducted sessions with senior officers to identify areas of interest to senior leadership, and begun to partner with academic institutions to pursue research related to utilizing behavioral science and neuroscience to address issues of ethics, character, and competence in the military.

While the SAMP office has taken steps toward completing its major tasks, it has not defined timelines or measures to (1) assess its progress or impact; (2) determine whether it has completed its major tasks; or (3) help inform the decision on whether its initial 2-year term should be renewed. SAMP officials stated that while the office has not defined timelines or measures, they believe that the office's activities should help to establish self-perpetuating professionalism efforts within the military services. SAMP officials stated that such efforts within the services may somewhat diminish the need for SAMP, but these same officials also noted that the work of the office will remain necessary and that its function should exist beyond the initial 2-year term because building and sustaining an ethical culture and professionalism capacity constitute a continuous effort at every grade level. They added that the Secretary of Defense will also continue to need a mechanism for looking across the services, working with other countries, and influencing departmental policies. The need for senior-level oversight of professionalism or ethics issues also was cited by other DOD, industry, and foreign military organizations we contacted. For example, SOCO officials expressed support for maintaining the SAMP position or function beyond the initial 2-year period, stating that there is enduring value in having an office like SAMP because it provides a sense of permanence to ethics and professionalism and will help institutionalize related improvement efforts. Similarly, as previously stated, officials from three of the four industry and foreign military

⁴⁷ These include initiatives to: (1) increase consistency and clarity of ethics-related regulations; (2) define the term "official function" for purposes of travel and use of enlisted aides, among others; (3) recognize the term "command team" for spouse travel; (4) review enlisted aide utilization; (5) create a standardized process for appraisal and disposition of gifts to general and flag officers; (6) develop and use 360-degree assessments for all joint and military service general and flag officers; (7) conduct periodic joint and military service assistance visits to review senior leader utilization, official travel, and compliance regulation, among other things; (8) develop a handbook and conduct training for support staff on ethics regulations; (9) provide additional training to ethics counselors; and (10) update senior leader ethics training; incorporate character development into the professional military education curriculum; and develop a joint and military service program to enhance general and flag officer professional education courses.

organizations we contacted stated that their organization had in place a direct link to senior leadership on ethics-related matters. Without timelines or measures to assess the office's progress, DOD does not have performance information for determining whether SAMP's efforts are on track to achieve desired outcomes, and the department may find it difficult to determine the future of the office and its function. Further, DOD will not be positioned to assess whether SAMP is the appropriate vehicle to achieve these outcomes or how best to allocate resources within the department to achieve them.

DOD Has Identified Potential Tools for Assessing Ethics and Professionalism Issues but Has Not Fully Implemented Key Tools or Developed Performance Metrics

DOD has identified a number of mandatory and optional tools that defense organizations can use to identify and assess individual and organizational ethics and professionalism issues. However, two key tools—command climate and 360-degree assessments—have not been fully implemented in accordance with statutory requirements and departmental guidance, and DOD has not yet developed performance metrics to measure its progress in addressing ethics-related issues.

DOD Has Identified Several Tools That Can Be Used to Identify and Assess Ethics and Professionalism Issues

DOD has identified several climate, professional development, and psychometric tools that can be used to identify and assess individual and organizational ethics-related issues. Climate tools are designed to assess opinions and perceptions of individuals within an organization, and they include instruments such as surveys. Professional development tools include a range of self-and-peer assessment instruments that are designed to provide individuals with feedback on their development. Psychometric tools include instruments such as the Navy's Hogan Insights, which are designed to provide a holistic behavioral review of an individual, and are generally used to assess and identify individual behavior and personality traits. The SAMP office is completing an inventory of climate, professional development, and psychometric tools that are used across the department to enhance interdepartmental visibility of these tools and to promote best practices. SAMP officials stated that while these tools could be used to assess ethics-related issues, none of the tools were designed exclusively for that purpose. Figure 1 shows some of the tools identified by the SAMP office that could

be used to identify and assess individual and organizational ethics-related issues.

Figure 1: Select Department of Defense Ethics-related Assessment Tools

Climate tools	Professional development	Psychometric
<ul style="list-style-type: none">• Center for Army Leadership's Annual Survey: Assesses and tracks trends in Army leaders' attitudes about leadership development, the quality of leadership, and the contribution of leadership to mission accomplishment.• Annual Survey of the Army Profession: Assesses trends in soldiers' and civilians' perceptions on issues such as the state of trust within the Army culture.• Marine Corps' Annual Commandant Climate Survey: Assists Marine Corps leadership in identifying concerns and highlights areas of focus such as trust, leadership, and organizational effectiveness at the unit-wide level.• Air Force's Biennial Total Force Climate Survey: Solicits perceptions and opinions from unit personnel on 10 dimensions, such as leadership support and unit performance, and provides respondents the opportunity to highlight concerns.	<ul style="list-style-type: none">• Air Force's Executive Dimensions: Administered to Lieutenant Generals and Senior Executive Service personnel to measure leadership competencies and provide feedback on behaviors that are critical for senior leader effectiveness.• Air Force's Benchmarks: This assessment is for select Colonels and high-ranking enlisted servicemembers to identify strengths and developmental needs, such as decisiveness, composure, and self-awareness, by providing participants with feedback of how they compare to their peers.• Army's Peer and Advisory Survey: Provides general officers developmental feedback from peers on performance, potential, and character.• Army's Leadership Behavioral Scale: Assesses leadership competencies and attributes such as trust, communication, and character and is open to all Army leaders.	<ul style="list-style-type: none">• Navy's Hogan Insights: Administered to prospective commanding officers to identify behaviors and attitudes that are inconsistent with ethical behavior.• Tailored Adaptive Personality Assessment System: The Air Force, the Army, the Navy, and the Marine Corps use this tool during the accessions process to predict the military occupations for which an individual is best suited.• Marine Corps 4 Lenses: Assesses individual temperaments of personnel across organizational units to help build and enhance communication among personnel and understand different personality traits.• Myers Briggs Type Indicator: The Air Force administers this tool to airmen to assess dimensions such as introversion, self-awareness, and judgement.

Source: GAO analysis of Department of Defense (DOD) information. | GAO-15-711

Officials from the SAMP office and from each of the military services have cited command climate assessments and 360-degree assessments as the department's primary tools that could be used for identifying ethics-related issues. Command climate assessments are designed to assess elements that can impact an organization's effectiveness such as trust in leadership, equal opportunity, and organizational commitment. These assessments can include surveys, focus groups, interviews, records of analyses, and physical observations. The command climate assessment's main component is a survey administered online by the Defense Equal Opportunity Management Institute. Survey results, which are provided to the unit commander, include a detailed analysis of unit results in comparison to other units within the organization.

In addition, 360-degree assessments are a professional developmental tool that allows individuals to gain insights on their character traits by soliciting feedback about their work performance from superiors, subordinates, and peers. A variety of 360-degree assessments are used across the department to enable different levels of personnel to obtain such feedback. For example, the Army conducts three different 360-degree assessments under the Multi-Source Assessment Feedback Program, which are targeted toward officers (Brigadier General and below), non-commissioned officers, and civilian leaders.⁴⁸ SAMP officials stated that while none of these tools is specifically designed to assess ethics issues, the office is investigating whether a combination of them can be used to provide a more holistic picture of ethical behavior, and exploring what might be gained by sharing data captured by these tools across the department.

The Military Services Have Implemented Command Climate Assessments, but Their Guidance Does Not Fully Address All Requirements

The military services have issued guidance⁴⁹ to implement command climate assessments, but the Army, the Air Force, and the Marine Corps do not have assurance that they are in compliance with all statutory requirements because their guidance does not fully address implementing and tracking requirements. In addition, the Army's and the Navy's guidance do not fully address DOD guidance related to the size of the units required to complete command climate assessments.

The National Defense Authorization Act for Fiscal Year 2014 contains requirements related to (1) tracking and verifying that commanders are conducting command climate assessments, (2) disseminating results to the next higher level command, and (3) recording the completion of

⁴⁸ The Multi-Source Assessment Feedback Program is the overarching Army program for managing the Army's three 360-degree assessments. The program is designed to enhance leader adaptability and self-awareness, and to identify Army leaders' strengths and developmental needs.

⁴⁹ See Headquarters, Department of the Army, *Army Directive 2013-29 (Army Command Climate Assessments)* (Dec. 23, 2013); Headquarters, Marine Corps, *Marine Administrative Message 464/13, Command Climate Assessments* (Sep. 17, 2013); Chief, Naval Operations, *Navy Administrative Messages 336/13 and 064/14, Guidance on Command Climate Assessments* (Dec. 30, 2013 and Mar. 20, 2014) and Department of the Navy, Bureau of Naval Personnel, *Instruction 1610.10D, Navy Performance Evaluation System* (May 1, 2015); Headquarters, Department of the Air Force, *Implementing Instructions and Processing Procedures for the transition from the Unit Climate Assessment (UCA) to the Defense Equal Opportunity Management Institute (DEOMI) Equal Opportunity Climate Survey (DEOCS)* (Dec. 17, 2013).

command climate assessments in commanders' performance evaluations.⁵⁰ As shown in table 1, the Navy has developed guidance that addresses all of the four Fiscal Year 2014 National Defense Authorization Act's requirements, but the Army's, the Air Force's, and the Marine Corps' guidance do not fully address two of the four requirements that relate to recording in the performance evaluations of a commander whether the commander has conducted a command climate assessment.

Table 1: Military Services' Command Climate Assessment Guidance Compared to Fiscal Year 2014 National Defense Authorization Act Requirements

Fiscal Year 2014 National Defense Authorization Act Requirements^a	Army	Air Force	Navy	Marine Corps
SEC. 587 (a) The Secretary of Defense shall ensure that the results of command climate assessments are provided to the relevant individual commander and to the next higher level of command. ^b	✓	✓	✓	✓
SEC. 587 (b) The Secretary of each military department shall require in the performance evaluations and assessments used by each Armed Force under the jurisdiction of the Secretary a statement by the commander regarding whether the commander has conducted the required command climate assessments.	×	×	✓	×
SEC. 587 (c) The failure of a commander to conduct the required command climate assessment shall be noted in the commander's performance evaluation.	×	×	✓	×
SEC. 1721(d) The Secretary of Defense shall direct the Secretaries of the military departments to verify and track the compliance of commanding officers in conducting organizational climate assessments. ^c	✓	✓ ^d	✓	✓

✓ Guidance or draft guidance addresses requirement

× No guidance/guidance does not address requirement

Source: GAO analysis of Department of Defense (DOD) guidance and 2014 National Defense Authorization Act data. | GAO-15-711

^aPub. L. No. 113-66, §§ 587 and 1721 (2013).

^b587(a) requires action on the part of the Secretary of Defense. Prior to enactment of the Fiscal Year 2014 National Defense Authorization Act, the Office of the Under Secretary of Defense for Personnel and Readiness took action consistent with this requirement by issuing a memorandum requiring that the military services develop guidance to ensure that the results of command climate assessments

⁵⁰ Pub. L. No. 113-66, §§ 587 and 1721 (2013).

are provided to the commander and to the next higher level of command. See Department of Defense, Office of Personnel and Readiness; *Command Climate Assessments*, (July 25, 2013).

^c1721(d) also requires action on the part to the Secretary of Defense. While DOD did not provide us with documentation showing that the Secretary directed the military departments to verify and track the compliance of commanding officers in conducting organizational climate assessments, the military services have developed guidance to ensure that the completion of command climate assessments is verified and tracked.

^dThe Air Force is updating its implementing instructions for command climate assessments and it provided GAO with draft language that addressed this requirement. According to Air Force officials, the new instructions are expected to be released in late summer 2015.

As table 1 shows, all of the military services' guidance addresses section 587(a) of the authorization act, which requires that the results of command climate assessments be provided to the commander and to the next higher level command, as well as section 1721(d), which requires that the military departments track and verify whether commanding officers have conducted a command climate assessment. In addition to complying with these requirements, the Army, the Air Force, and the Navy also have command climate assessments reviewed above the next highest level. For example, Navy officials stated that their command climate assessment results are aggregated, analyzed, and reported to Navy leadership annually to inform service policy and training.

With respect to sections 587(b) and 587(c) of the authorization act, the Navy's guidance addresses these sections, but the Army's, the Air Force's, and the Marine Corps' respective guidance do not. For example, the Army's performance evaluation process requires that raters assess a commander's performance in fostering a climate of dignity and respect, and in adhering to the requirements of the Army's Sexual Harassment/Assault Response and Prevention Program, which requires that command climate assessments be conducted.⁵¹ However, this program does not specifically require that commanders include a statement in their performance evaluations as to whether they conducted an assessment, or that failure to do so be recorded in their performance evaluation.

In addition, not all of the military services' guidance fully meets DOD guidance. Specifically, in July 2013, the Acting Under Secretary of

⁵¹ See Army Regulation 623-3, *Evaluation Reporting System* (Mar. 29, 2014) and Army Regulation 600-20, *Army Command Policy* (Nov. 6, 2014), which require that company level commanders administer a command climate survey within 30 days of assuming a command, again at six months, and annually thereafter.

Defense for Personnel and Readiness issued a memorandum requiring the secretaries of the military departments to establish procedures in their respective operating instruction and regulations related to the implementation of command climate assessments.⁵² Among other things, the guidance addresses the size of units for conducting command climate assessments and the dissemination of assessment results. In response to this guidance, each of the military services has developed written guidance.⁵³ As shown in table 2, the Air Force's and the Marine Corps' guidance address all command climate guidance in the Under Secretary's memorandum, while the Army's and the Navy's guidance do not require that units of fewer than 50 servicemembers shall be surveyed with a larger unit in the command to ensure anonymity and to provide the opportunity for all military personnel to participate in the process, as laid out in the memorandum.

⁵² Department of Defense, Office of the Under Secretary of Defense for Personnel and Readiness, *Command Climate Assessments* (July 25, 2013). This memorandum was issued in response to a provision in the National Defense Authorization Act for Fiscal Year 2013, Pub. L. No. 112-239, §572(a) (3) (2013), which requires that a commander conduct a command climate assessment within 120 days of assuming command and annually thereafter for the purposes of preventing and responding to sexual assaults.

⁵³ See Headquarters, Department of the Army, Army Directive 2013-29, *Army Command Climate Assessments* (Dec. 23, 2013); Headquarters, Marine Corps, Marine Administrative Message 464/13, *Command Climate Assessments* (Sep. 17, 2013); Chief, Naval Operations, Navy Administrative Messages 336/13 and 064/14, *Guidance on Command Climate Assessments* (Dec. 30, 2013 and Mar. 20, 2014) and Department of the Navy, Bureau of Naval Personnel, Instruction 1610.10D, *Navy Performance Evaluation System* (May, 1, 2015); Headquarters, Department of the Air Force, *Implementing Instructions and Processing Procedures for the transition from the Unit Climate Assessment (UCA) to the Defense Equal Opportunity Management Institute (DEOMI) Equal Opportunity Climate Survey (DEOCS)* (Dec. 17, 2013).

Table 2: Military Services' Command Climate Assessment Guidance Compared to Department of Defense (DOD) Guidance

DOD Guidance ^a	Army	Air Force	Navy	Marine Corps
Ensure commanders of each military command and commanders of subordinate units of 50 or more persons conduct a climate assessment within 120 days after assumption of command and annually thereafter while retaining command.	✓ ^b	✓	✓	✓
Organizations or units of less than 50 servicemembers shall be surveyed with a larger unit in the command to ensure anonymity and to provide the opportunity for all military personnel to participate in the process.	× ^c	✓	× ^d	✓
Provide the results and analysis of annual climate surveys to the commander requesting the survey and to the commander at the next level in the chain of command no later than 30 days after receiving the survey results.	✓	✓	✓	✓

✓ Guidance addresses DOD guidance

× No guidance/guidance not provided/guidance does not address DOD guidance

Source: GAO analysis of Department of Defense data. | GAO-15-711

^aDepartment of Defense, Office of the Under Secretary of Defense for Personnel and Readiness; *Command Climate Assessments*, (July 25, 2013).

^bArmy guidance states that company level organizations should complete command climate assessments. According to Army officials, the Army's guidance targets the company level because it is the lowest level of command and because command level organizations typically include more than 50 personnel.

^cArmy guidance states that units with less than 30 personnel must conduct its command climate assessment with a larger unit. At the battalion level or higher-level commander's discretion, companies or subordinate commands with more than 30 but less than 50 personnel may conduct the survey separately or with a larger unit.

^dNavy guidance states that units under 16 personnel shall conduct climate assessments via focus groups, interviews, reviewing records and reports, and observations. Navy officials told us that this was an exemption granted by the Office of the Under Secretary of Defense for Personnel and Readiness. However, there is no guidance requiring that units of greater than 16 personnel but less than 50 personnel be surveyed with a larger unit to ensure anonymity.

Without requiring that commanders include a statement in their performance evaluations about whether they have conducted a command climate assessment, and requiring that the failure of a commander to conduct a command climate assessment be noted in the commander's performance evaluation, the Army, the Air Force, and the Marine Corps will not be complying with the mandated level of accountability Congress intended during the performance evaluation process. Additionally, without requiring organizations of fewer than 50 servicemembers to be surveyed

with a larger unit, the Army and the Navy may be unable to ensure that all unit members are able to participate anonymously in command climate surveys as intended by DOD guidance.

DOD Has Not Implemented 360-degree Assessments for All Intended Military Personnel

The development and use of 360-degree assessments for general and flag officers vary across the military services and the Joint Staff, and they do not cover all intended military personnel. Specifically, the 2013 General and Flag Officer Character Implementation Plan memorandum⁵⁴ states that 360-degree assessments would be developed and used for all military service and Joint Staff general and flag officers, and a November 2013 memorandum issued by the Chairman of the Joint Chiefs of Staff to the President reiterates the department's commitment to developing and implementing 360-degree assessments for all general and flag officers.⁵⁵

The Air Force and the Army have developed and implemented 360-degree assessments for all of their general officers, but the Navy, the Marine Corps, and the Joint Staff have developed and implemented 360-degree assessments only for certain general and flag officers. Table 3 shows the extent to which the military services and the Joint Staff have developed and implemented 360-degree assessments for their general and flag officers.

⁵⁴ Chairman of the Joint Chiefs of Staff Memorandum *General and Flag Officer Character Implementation Plan* (Apr. 2, 2013). This memo does not specify how often 360-degree assessments should occur.

⁵⁵ Chairman of the Joint Chiefs of Staff, *General and Flag Officer Review Response* (Nov. 26, 2013).

Table 3: Implementation of 360-degree Assessments for General and Flag Officers in the Military Services and the Joint Staff

	★ Brigadier General/Rear Admiral (Lower Half)	★★ Major General/Rear Admiral (Upper Half)	★★★ Lieutenant General/Vice Admiral	★★★★ General/Admiral
Army	✓ ^a	✓	✓	✓
Air Force	✓	✓	✓	✓
Navy	✓ ^b	×	×	×
Marine Corps ^c	×	×	×	×
Joint Staff	✓	✓	✓	×

★ General and flag officer rank

✓ 360-degree assessment implemented or guidance developed to implement 360-degree assessment

× 360-degree assessment not implemented and no guidance developed to implement

Source: GAO analysis of Department of Defense (DOD) information. | GAO-15-711

^aWhile the Army general officer 360-degree assessment is required to be conducted only for general officers selected for promotion to the rank of Major General and above, Army Brigadier Generals are required to self-initiate or participate in a 360-degree assessment every 36 months from the end date of their last officer evaluation report under the Multi-Source Assessment and Feedback Program. Army officials stated that requiring Brigadier Generals to also complete its general officer 360-degree assessment could cause assessment fatigue.

^bThe Navy's 360-degree assessment is also given to individuals selected, but not yet appointed, to the Rear Admiral (Lower Half) rank.

^cMarine Corps officials stated that the Marine Corps has two Lieutenant Generals participating in the Joint Staff's 360-degree pilot program and that the Marine Corps has no plans to implement a 360-degree assessment program for all general officers within the Marine Corps.

The Navy, the Marine Corps, and the Joint Staff cited different reasons for developing and implementing 360-degree assessments only for certain general and flag officers. For example, in 2013, the Navy required new flag officers promoted to the Rear Admiral (Lower Half) rank, as well as Rear Admiral (Lower Half) selects, to complete 360-degree assessments. A Navy official stated that expanding 360-degree assessments to include all Navy flag officers would incur significant costs, particularly with regard to the cost of specially trained personnel to coach individuals on how to respond to the results of their 360-degree assessments. Similarly, officials from the SAMP office and Joint Staff cited coaching as a driver of costs for 360-degree assessments. A RAND study released on behalf of DOD in April 2015 also noted that 360-degree assessments are resource-

intensive to design, implement, and maintain.⁵⁶ Due to the costs associated with expanding 360-degree assessments and other concerns, such as the value of the feedback elicited by the tool, the Navy is investigating other tools and techniques that can provide critical self-assessment for its personnel. For example, Navy officials stated they are using a similar tool—the Hogan Assessment—as part of a Command Leadership Course for some prospective commanding officers.

According to Marine Corps officials, in 2014, two general officers from the Marine Corps participated in a Joint Staff 360-degree assessment pilot program.⁵⁷ These officials stated that there are no plans to expand the program to include Marine Corps general officers not assigned to the Joint Staff because Marine Corps senior officials are satisfied with the flexibility and feedback that the Joint Staff pilot provides, and because the Marine Corps also uses the Commandant's Command Survey, which similarly focuses on the climate and conduct of leaders and commanders.

In October 2014, following its pilot, the Joint Staff initiated 360-degree assessments for one and two star general and flag officers to occur at 6 months and 2 years after assignment to the Joint Staff. In July 2015, the Joint Staff issued guidance⁵⁸ requiring that Joint Staff three star general and flag officers, civilian senior executives, and one, two, and three star general and flag officers at the combatant commands⁵⁹ complete 360-degree assessments. Joint Staff officials stated that 360-degree assessments are not used at the four star rank because at that level the

⁵⁶ The RAND Corporation, *360-Degree Assessments, Are They the Right Tool for the U.S. Military?*, RAND National Defense Research Institute (April 2015).

⁵⁷ The Joint Staff pilot program included all eight general and flag officer Joint Staff directorate directors. Each general and flag officer was administered a 360-degree assessment and was then interviewed for feedback. Only select participants received coaching during the pilot program.

⁵⁸ Chairman of the Joint Chiefs of Staff Instruction 1332.01A, *Joint 360-Assessment Policy* (July 1, 2015).

⁵⁹ DOD has nine combatant commands, each with an assigned geographic region or assigned function. The six geographic commands, which have defined areas of operation and have a distinct regional military focus, are U.S. Africa Command, U.S. Central Command, U.S. European Command, U.S. Northern Command, U.S. Pacific Command, and U.S. Southern Command. The three functional commands, which have unique capabilities and operate worldwide, are U.S. Special Operations Command, U.S. Strategic Command, and U.S. Transportation Command.

peer and superior populations are significantly smaller, creating a greater possibility of assessor survey fatigue and concerns about anonymity. Further, Joint Staff officials stated that four star level officers already conduct command climate surveys that allow everyone within their unit or organization to assess the leader and organization.

While the Navy, the Marine Corps, and the Joint Staff cited varying reasons for implementing 360-degree assessment only for certain general and flag officers, the inconsistent implementation of this tool across the department denies a number of senior military leaders valuable feedback on their leadership skills and an opportunity for developing an understanding of personal strengths and areas for improvement. Taking into account the military services' and the Joint Staff's differing reasons, including costs, for implementing 360-degree assessments only for certain general and flag officers, DOD may benefit from reassessing the need and feasibility of developing and implementing 360-degree assessments for all general and flag officers.

DOD Does Not Have Performance Metrics to Measure Its Progress in Addressing Ethics and Professionalism Issues

Federal internal control standards emphasize the importance of assessing performance over time,⁶⁰ but DOD is unable to determine whether its ethics and professionalism initiatives are achieving their intended effect because it has not yet developed metrics to measure the department's progress in addressing ethics and professionalism issues. In 2012, we reported that federal agencies engaging in large projects can use performance metrics to determine how well they are achieving their goals and to identify any areas for improvement.⁶¹ By using performance metrics, decision makers can obtain feedback for improving both policy and operational effectiveness. Additionally, by tracking and developing a baseline for all measures, agencies can better evaluate progress made and whether or not goals are being achieved—thus providing valuable information for oversight by identifying areas of program risk and their causes to decision makers. Through our body of work on leading

⁶⁰ [GAO/AIMD-00-21.3.1](#).

⁶¹ [GAO-12-542](#) discusses the value of federal agencies engaging in large projects, including consolidating management functions, to use performance measures. These criteria were developed by reviewing GAO reports on consolidating initiatives and literature on public-sector consolidations, and interviewing a number of officials selected for their expertise in public management and government reform, among other things.

performance management practices, we have identified several attributes of effective performance metrics (see table 4).⁶²

Table 4: Attributes of Effective Performance Metrics Identified by GAO

Attribute	Definition
Balance	A suite of metrics ensures that an organization's various priorities are covered.
Clarity	Metric is clearly stated, and the name and definition are consistent with the methodology used to calculate it.
Core program activities	Metric covers the activities that an organization is expected to perform to support the intent of the program.
Government-wide priorities	Metric covers a priority such as quality, timeliness, and cost of service.
Limited overlap	Metric provides new information beyond that provided by other measures.
Linkage	Metric is aligned with division and agency-wide goals and mission, and is clearly communicated throughout the organization.
Measurable target	Metric has a numerical goal.
Objectivity	Metric is reasonably free from significant bias or manipulation.
Reliability	Metric produces the same result under similar conditions.
Baseline and trend data	Metric has a baseline and trend data associated with it to identify, monitor, and report changes in performance and to help ensure that performance is viewed in context.

Source: GAO | GAO-15-711

SAMP officials stated that they recognize the need to continually measure the department's progress in addressing ethics and professionalism, and are considering ways to do so; however, challenges exist. For example, the SAMP office plans to update the 2010 ethics survey by administering

⁶² GAO, *Tax Administration: IRS Needs to Further Refine Its Tax Filing Season Performance Measures*, [GAO-03-143](#) (Washington, D.C.: Nov. 22, 2002); *GPRA Performance Reports*, [GAO/GGD-96-66R](#) (Washington, D.C.: Feb. 14, 1996); *Missile Defense: Opportunity to Refocus on Strengthening Acquisition Management*, [GAO-13-432](#) (Washington, D.C.: Apr. 26, 2013); *Performance Measurement and Evaluation: Definitions and Relationships*, [GAO-11-646SP](#) (Washington, D.C.: May 2011); *Defense Health Care Reform: Additional Implementation Details Would Increase Transparency of DOD's Plans and Enhance Accountability*, [GAO-14-49](#) (Washington, D.C.: Nov. 6, 2013); and *Agency Performance Plans: Examples of Practices That Can Improve Usefulness to Decisionmakers*, [GAO/GGD/AIMD-99-69](#) (Washington, D.C.: Feb. 26, 1999).

a department-wide ethics survey in 2015 to reassess DOD's ethical culture. SAMP officials stated that they expect the new survey to yield valuable information on DOD's ethical culture, but they have not identified metrics to assess DOD's ethical culture. Additionally, SAMP officials stated that they plan to modify questions from the 2010 survey to lessen its focus on acquisition-related matters, and to collect new information. While modifying the questions from the 2010 survey may improve DOD's understanding of its ethical climate, doing so could limit DOD's ability to assess trends against baseline (2010) data. Moreover, DOD's ability to assess trends in the future may also be affected by uncertainty as to whether the survey will be administered beyond 2015. SAMP officials attributed this uncertainty, in part, to survey fatigue within the department—a factor cited by SAMP officials that could also affect the response rate for the 2015 survey, and therefore limit the utility of the survey data. To combat this challenge, the SAMP office is considering merging the ethics survey with another related survey, such as the sexual assault prevention and response survey. According to SAMP officials, the Under Secretary of Defense for Personnel and Readiness has established a working group to address survey fatigue within the department.

SAMP officials stated that they have also considered using misconduct report data to assess the department's ethical culture, but that interpreting such data can be challenging. For example, a reduction in reports of misconduct could indicate either fewer occurrences or a decrease in reporting—the latter of which could be induced by concerns over retribution for reporting, officials stated.⁶³ Additionally, our review found that the department's ability to assess department-wide trends in ethical behavior is limited because misconduct report data are not collected in a consistent manner across DOD. Specifically, DOD organizations define categories of misconduct differently, thereby precluding comparisons of misconduct data across different organizations, as well as aggregate-level analysis of department-wide data. To address this challenge, the DOD Office of Inspector General is developing common definitions to standardize the collection of misconduct report data across the department. DOD Office of Inspector General officials estimated that the definitions will be finalized in 2016.

⁶³ As previously mentioned in this report, fear of retribution for reporting managerial/commander misconduct was found to be well above average in the 2010 department-wide ethics survey.

Because of such challenges, SAMP officials are considering certain activities, such as increased focus on ethics-related matters by DOD senior leadership, to be indicators of progress. Our work on performance management has found that intermediate goals and measures such as outputs or intermediate outcomes can be used to show progress or contribution to intended results.⁶⁴ For instance, when it may take years before an agency sees the results of its programs, intermediate goals and measures can provide information on interim results to allow for course corrections. Also, when program results could be influenced by external factors beyond agencies' control, they can use intermediate goals and measures to identify the program's discrete contribution to a specific result. Our review found that various mechanisms were used by the industry and foreign military organizations we contacted to assess ethical culture, with officials from all four industry and foreign military organizations stating that their organization had used one or more tools to assess the ethical culture of their organizations. For example, one of the foreign military organizations we contacted administers a survey periodically to both civilian and military personnel to measure the organization's ethical culture against a baseline that was established in 2003. SAMP officials similarly stated that a variety of data sources—including organizational, survey, attitudinal, behavioral, and perception of trust data—should be used to assess DOD's ethical culture. However, without identifying specific sources, DOD will not have the information necessary to assess its progress. Moreover, without establishing clear, quantifiable, and objective metrics that include a baseline assessment of current performance to measure progress, or intermediate or short-term goals and measures, decision-makers in DOD and Congress will find it difficult to determine whether the department's ethics and professionalism initiatives are on track to achieve desired outcomes.

Conclusions

Maintaining a workforce characterized by professionalism and commitment to ethical values is key to executing DOD's mission to protect the security of the nation; limiting conduct that can result in misuse of government resources; and maintaining servicemember, congressional, and public confidence in senior military leadership. As recent cases of misconduct demonstrate, ethical and professional lapses can carry significant operational consequences, waste taxpayer

⁶⁴ [GAO/GGD/AIMD-99-69](#).

resources, and erode public confidence. Since 2007, DOD has taken significant steps to improve its ethical culture, for instance by conducting a department-wide ethics survey and follow-on study. The department has also acted to enhance oversight of its professionalism-related initiatives and issues, for example through creating the SAMP office. However, its overall effort could be strengthened by taking a number of additional steps. In particular, without fully considering the Panel on Contracting Integrity's recommendation to create a values-based ethics program and the subsequent 2012 study recommendations, as well as assessing the feasibility of expanding annual values-based ethics training beyond the current mandated personnel, DOD will not have assurance that it is doing enough to promote an ethical culture, and it may face challenges in identifying areas for future action. Similarly, without performance information, including timelines and measures, DOD will not be optimally positioned to determine whether the SAMP—a key oversight position—should be renewed after its initial 2-year term, or to assess the SAMP office's progress.

At the military service level, further actions also could improve oversight of ethics and professionalism-related issues for senior leaders. For instance, without revising current guidance to comply with statutory requirements and departmental guidance and assure that commanders are conducting command climate assessments, the Army, the Air Force, the Navy, and the Marine Corps will be unable to discern whether commanders are obtaining feedback on their performance and promoting an effective culture. Furthermore, without examining the need for and feasibility of implementing 360-degree assessments for all general and flag officers, the Navy, the Marine Corps, and the Joint Staff will not have information that could enhance individual ethics and professional values.

Finally, given the initiatives that DOD is planning and has under way, it is important that there be reliable means by which to gauge progress. Without identifying information sources and developing intermediate goals and performance metrics that are clear, quantifiable, and objective—and that are linked to an identified baseline assessment of current performance—decision makers in DOD and Congress will not have full visibility into the department's progress on professionalism-related issues. As the department realigns itself to address new challenges, a sustained focus on ethics and professionalism issues will contribute to fostering the ethical culture necessary for DOD to carry out its mission.

Recommendations for Executive Action

We recommend that the Secretary of Defense take the following six actions:

1. To promote and enhance familiarity with values-based ethical decision-making across the department, direct appropriate departmental organization(s), in consultation with the Office of General Counsel and the SAMP or its successor organization(s), to assess the feasibility of expanding annual values-based ethics training to include currently non-mandatory recipients.
2. To ensure that the need for a department-wide values-based ethics program has been addressed, direct appropriate departmental organization(s), in consultation with the Office of General Counsel, to identify actions and timeframes for responding to the Panel on Contracting Integrity recommendation, including the 14 related 2012 study recommendations, or alternatively demonstrate why additional actions are unwarranted.
3. To help inform decision makers on the SAMP's progress as well as the decision regarding the extension of the SAMP's term, direct the SAMP to define timelines and measures to assess its progress in completing its major tasks.
4. To increase assurance that commanders are conducting command climate assessments in accordance with statutory requirements and departmental guidance, direct the Secretaries of the Air Force, the Army, and the Navy, and the Commandant of the Marine Corps to modify existing guidance or develop new guidance to comply with requirements set forth in the Fiscal Year 2014 National Defense Authorization Act and internal DOD guidance.
5. To better inform the department's approach to senior officers' professional development, direct the Secretary of the Navy, the Commandant of the Marine Corps, and the Chairman of the Joint Chiefs of Staff to assess the need for and feasibility of implementing 360-degree assessments for all general and flag officers.
6. To improve DOD's ability to assess its progress in addressing ethics and professionalism issues, direct the SAMP, through the Under Secretary of Defense for Personnel and Readiness, or SAMP's successor organization(s), to identify information sources and develop intermediate goals and performance metrics. At minimum, these performance metrics should be clear, quantifiable, and objective, and they should include a baseline assessment of current performance.

Agency Comments and Our Evaluation

We provided a draft of this report to DOD for review and comment. In written comments, DOD concurred with comments on three of our six recommendations, partially concurred with two recommendations, and did not concur with one recommendation. DOD's comments are summarized below and reprinted in appendix III. DOD also provided technical comments on the draft report, which we incorporated as appropriate.

DOD concurred with comment on our first, second, and sixth recommendations, which relate to annual values-based ethics training, a department-wide values-based ethics program, and performance metrics, respectively. With regard to the first and sixth recommendations, DOD stated that the SAMP is a temporary office established by Secretary Hagel with a term ending no later than March 2016. As noted in our report, the SAMP office was established in March 2014 for an initial 2-year term, with an option to renew. Because the future of the SAMP office had not been determined at the time of this review, we directed these recommendations toward the SAMP or its successor organization(s).

In its comments on our second recommendation, for DOD to respond to the Panel on Contracting Integrity recommendation, including the 14 related 2012 study recommendations, or alternatively to demonstrate why actions are unwarranted, DOD raised concerns regarding whether we are endorsing the 2012 study's recommendations. We are not endorsing them. Our recommendation is for DOD to fully consider the Panel on Contracting Integrity's recommendation and the subsequent 2012 study recommendations. If DOD does not believe such a program or the actions recommended by the 2012 study are warranted, then it should demonstrate why additional actions are unwarranted. Without fully considering the Panel's recommendation, including the 2012 study recommendations, DOD will not have assurance that it is doing enough to promote an ethical culture.

In addition, DOD voiced concern that the statement in the draft report that SOCO officials "do not plan to take any further action" with respect to the remaining 13 recommendations from the Phase II study could be misunderstood to imply that SOCO is unwilling to consider additional values-based ethics program initiatives. DOD elaborated that SOCO embraces values-based ethics training and other initiatives. DOD added that, as noted elsewhere in the report, DOD has practices in place that are consistent with a number of the recommendations in the Phase II study, and that SOCO is most receptive to assessing and recommending implementation of additional measures where appropriate and feasible.

As noted in our report, in 2013, SOCO partially implemented 1 of the study's 14 recommendations by annually delivering values-based ethics training to select military and civilian personnel. In addition, SOCO cited existing practices as being consistent with some of the study's remaining 13 recommendations. However, SOCO officials told us that they do not plan to take further action, and that the Panel and 2012 study recommendations were not binding. These officials also stated that implementing all of the study's remaining 13 recommendations was neither feasible nor advisable. We continue to believe that without identifying actions DOD intends to take, with timeframes, to address the Panel's recommendation, including the study's other 13 recommendations, or demonstrating that further action is unwarranted, the department does not have assurance that the identified need for a values-based ethics program has been addressed.

DOD partially concurred with our fourth recommendation, that the Air Force, the Army, the Navy, and the Marine Corps modify existing guidance or develop new guidance to comply with requirements set forth in the National Defense Authorization Act for Fiscal Year 2014 and internal DOD guidance, to increase assurance that commanders are conducting command climate assessments in accordance with these statutory requirements and departmental guidance. In its comments, DOD stated that the Army's performance evaluation process requires that raters assess a commander's performance in fostering a climate of dignity and respect, thereby in DOD's view satisfying the National Defense Authorization Act's requirement that commanders must include a statement in their performance evaluations as to whether or not they conducted an assessment. In addition, DOD commented that although DOD guidance calls for organizations of fewer than 50 servicemembers to be surveyed with a larger unit, Army guidance calls for command climate surveys to be conducted at the company level and states that units of between 30 and 50 personnel may conduct their surveys separately or together with another unit, at the commander's discretion; and that, since the survey response rate is sufficiently high (58 percent), the Army can survey organizations with fewer than 50 servicemembers. Therefore, DOD believes that the Army meets the intent of departmental guidance for command climate survey utilization.

As noted in our report, the Army's Sexual Harassment/Assault Response and Prevention Program requires that command climate assessments be conducted. However, this program does not specifically require that commanders include a statement in their performance evaluations as to whether they conducted an assessment, or that failure to do so be

recorded in their performance evaluation, as required by the National Defense Authorization Act for Fiscal Year 2014. Therefore, we continue to believe that without requiring that commanders include a statement in their performance evaluations about whether they have conducted a command climate assessment, and requiring that the failure of a commander to conduct a command climate assessment be noted in the commander's performance evaluation, the Air Force, the Army, and the Marine Corps will not be complying with the mandated level of accountability that Congress intended during the performance evaluation process. In addition, as noted in the report DOD guidance requires that organizations of fewer than 50 servicemembers shall be surveyed with a larger unit in the command to ensure anonymity and provide the opportunity for all military personnel to participate in the process. We continue to maintain that, regardless of the survey response rate, without requiring organizations of fewer than 50 servicemembers to be surveyed with a larger unit, the Army may be unable to ensure that all unit members are able to participate in command climate surveys, and to do so anonymously, as intended by DOD guidance.

DOD partially concurred with our fifth recommendation, that the Navy, the Marine Corps, and the Joint Chiefs of Staff assess the need and feasibility of implementing 360-degree assessments for all general and flag officers, to better inform the department's approach to senior officers' professional development. In its comments, DOD stated that it concurs with the recommendation to assess the need for and feasibility of implementing 360-degree assessments, or 360-degree-like feedback assessments, where they are not already being performed. However, DOD stated that it does not believe it should assess the need and feasibility of implementing this tool for all general and flag officers, but rather only for three star ranks and below.

As noted in our report, the 2013 General and Flag Officer Character Implementation Plan memorandum states that 360-degree assessments would be developed and used for all military service and Joint Staff general and flag officers, and a November 2013 memorandum issued by the Chairman of the Joint Chiefs of Staff to the President reiterates the department's commitment to developing and implementing 360-degree assessments for all general and flag officers. The Air Force and the Army have developed and implemented 360-degree assessments for all of their general officers. However, as noted in the report, the Navy, the Marine Corps, and the Joint Staff have developed and implemented 360-degree assessments only for certain general and flag officers, citing varying reasons, including costs, for doing so. We continue to believe that, given

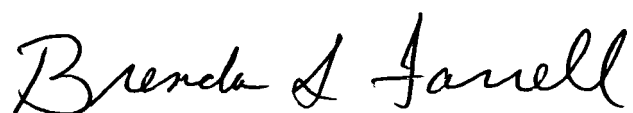
the inconsistency of the implementation of this tool across the department, DOD may benefit from reassessing the need for and feasibility of developing and implementing 360-degree assessments for all general and flag officers. Further, we continue to maintain that such a reassessment would support the department's approach to senior officers' professional development by increasing and improving the consistency of the information provided to leadership.

DOD did not concur with our third recommendation, that the SAMP define timelines and measures to assess its progress in completing its major tasks, in order to help inform decision makers on the SAMP's progress as well as the decision regarding the extension of the SAMP's term. In its written comments, DOD stated that the department will submit its Fiscal Year 2015 National Defense Authorization Act report on military programs and controls regarding professionalism to Congress on September 1, 2015, thereby satisfying the requirements of this recommendation.

Although DOD states that the intent of our recommendation will be satisfied by the September 1, 2015, report to Congress, we have not been provided a copy of the draft report and cannot determine whether the report will include timelines and measures. Further, while DOD stated that SAMP's dissolution will occur in March 2016, a formal decision has not yet been made. As we discussed in our report, DOD officials stated that there is an enduring need for the work and functions of the SAMP office because, among other things, building and sustaining an ethical culture and professionalism capacity constitute a continuous effort at every grade level, and because of the importance of having a direct link between senior leadership and the Secretary of Defense on ethics and professionalism matters. The intent of our recommendation is to help equip decision makers with the information necessary to assess SAMP's progress and thereby determine next steps regarding its future. We continue to believe that without timelines or measures to assess the office's progress, DOD will not be positioned to assess whether SAMP is the appropriate vehicle to achieve these outcomes, or how best to allocate resources within the department to achieve them.

We are sending copies of this report to the appropriate congressional committees; the Secretary of Defense; the Chairman, Joint Chiefs of Staff; the Secretaries of the Military Departments; and the Commandant of the Marine Corps. The report also is available at no charge on the GAO website at <http://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at (202) 512-3604 or farrellb@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report are listed in appendix IV.

A handwritten signature in black ink that reads "Brenda S. Farrell". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

Brenda S. Farrell
Director
Defense Capabilities and Management

List of Committees

The Honorable John McCain
Chairman

The Honorable Jack Reed
Ranking Member
Committee on Armed Services
United States Senate

The Honorable Mac Thornberry
Chairman

The Honorable Adam Smith
Ranking Member
Committee on Armed Services
House of Representatives

Appendix I: Scope and Methodology

To evaluate the extent to which the Department of Defense (DOD) has developed and implemented a management framework to oversee its programs and initiatives on professionalism and ethics for active duty officers and enlisted servicemembers we assessed—against leading practices for strategic planning and performance management, and federal internal control standards—guidance, plans, and work products to determine the extent to which DOD has defined roles, responsibilities, measures, and timelines for managing its existing ethics program and professionalism oversight framework.¹ For example, we reviewed the Code of Federal Regulations and DOD guidance such as the Joint Ethics Regulation, which governs DOD’s ethics program and the management of related activities including training, financial disclosure reporting, and gift receipt.² We also reviewed work plans and timelines that define the Senior Advisor for Military Professionalism (SAMP) position and the scope of its activities. We compared, against federal internal control standards and practices for effective ethics programs³ and strategic

¹ For example, see leading strategic planning and performance management practices in GAO, *Managing for Results: Enhancing Agency Use of Performance Information for Management Decision Making*, [GAO-05-927](#) (Washington, D.C.: Sept. 9, 2005); *Agency Performance Plans: Examples of Practices That Can Improve Usefulness to Decisionmakers*, [GAO/GGD/AIMD-99-69](#) (Washington, D.C.: Feb. 26, 1999); *Electronic Warfare: DOD Actions Needed to Strengthen Management and Oversight*, [GAO-12-479](#) (Washington D.C.: Jul. 9, 2012); and *Reserve Forces: Army Needs to Finalize an Implementation Plan and Funding Strategy for Sustaining an Operational Reserve Force*, [GAO-09-898](#) (Washington, D.C.: Sept. 17, 2009). GAO, *Standards for Internal Control in the Federal Government*, [GAO/AIMD-00-21.3.1](#) (Washington, D.C.: November 1999). To identify these leading practices, we reviewed relevant literature including previous GAO reports, spoke with experts in using performance information, and held group discussions with federal program managers. We also interviewed individuals from five federal agencies and reviewed documentation to illustrate how program managers have used performance information to make decisions. We identified uses for performance information including identifying problems and taking action, developing strategy and allocating resources, recognizing and rewarding performance, and identifying and sharing effective approaches.

² DOD Directive 5500.07, *Standards of Conduct* (Nov. 29, 2007); DOD 5500.07-R, *Joint Ethics Regulation*, (Aug. 1993) (Incorporating Change 7 Nov. 17, 2011); Chairman of the Joint Chiefs of Staff Instruction 3500.01, *Chairman’s Joint Training Guidance* (Apr. 25, 2014); 5 C.F.R. Part 3601, *Supplemental Standards of Ethical Conduct for Employees of the Department of Defense*; 5 C.F.R. Part 2635: *Standards of Ethical Conduct for Employees of the Executive Branch*.

³ [GAO/AIMD-00-21.3.1](#) and U.S. Sentencing Commission, *Guidelines Manual*, Chap.8 (Nov. 2014).

training,⁴ actions and work products related to the department's ongoing and planned initiatives to establish a values-based ethics program and to develop an ethical and professional culture. These documents included studies commissioned by DOD to assess its ethical culture and to design and implement a values-based program;⁵ memorandums and work products related to the 13 general and flag officer character initiatives;⁶ and Secretary of Defense memorandums requiring actions including ethics training and professional military education reviews.⁷ We also interviewed officials responsible for ethics and professionalism from the Office of the Secretary of Defense, the military services, and the Joint Staff to identify additional actions and determine progress in these areas. We assessed these documents by comparing them against leading practices for strategic planning and performance measurement that relate to the need for detailed plans outlining major implementation tasks and defined measures and timelines to measure progress; and federal internal control standards related to the need for performance measures and indicators, and the importance of managers determining proper actions in response to findings and recommendations from audits and reviews and completing such actions within established timeframes.

We obtained and analyzed Fiscal Year 2012 to 2014 misconduct data from the DOD Office of Inspector General to identify discernible trends in

⁴ GAO, *Human Capital: A Guide for Assessing Strategic Training and Development Efforts in the Federal Government*, [GAO-04-546G](#) (Washington, D.C.: Mar. 2004). This guide provides a framework, consisting of a set of principles and key questions that federal agencies can use to ensure that their training and development investments are targeted strategically and are not wasted on efforts that are irrelevant, duplicative, or ineffective. Information in this guide was obtained through consultations with government officials and experts in the private sector, academia, and nonprofit organizations; examinations of laws and regulations related to training and development in the federal government; and reviewing the sizeable body of literature on training and development issues, including previous GAO reports. GAO has used this guide to analyze and report on training and development issues.

⁵ See Council of Ethical Organizations and Human Resources Research Organization, *United States Department of Defense Survey Report* (Aug. 31, 2010); EthicsOne, Inc. and Ethics Resource Center, *United States Department of Defense Values Based Ethics Program Phase II: Recommendation for Program Design and Implementation* (Jul. 16, 2012).

⁶ See Chairman of the Joint Chiefs of Staff Memorandum, *General and Flag Officer Character Implementation Plan* (Apr. 2, 2013).

⁷ See Secretary of Defense Memorandum, *Promoting and Ethical Culture in the Department of Defense* (Nov. 14, 2012).

reported misconduct, as well as data regarding the number of DOD personnel receiving annual ethics training. Specifically, we obtained calendar year 2014 DOD annual ethics training data that included active duty, reserve, and civilian personnel reported to the Office of Government Ethics by the 17 DOD Designated Agency Ethics Officials, excluding the National Security Agency. These are the most current data available on annual ethics training, and they are the data used by the Office of Government Ethics to determine DOD's compliance with the annual training requirement for financial disclosure filers. We did not assess the reliability of these data, but we have included them in the report to provide context. We did not use these data to support our findings, conclusions, or recommendations. To determine the percentage of DOD personnel who have completed annual ethics training, we obtained Fiscal Year 2014 data from the Office of the Under Secretary of Defense (Comptroller) on the number of DOD personnel, including active duty and reserve component military personnel and civilian full-time equivalents. We also reviewed relevant literature to identify ethics-related issues and best practices within DOD, and we met with foreign military officials, defense industry organizations, and commercial firms that we identified during our preliminary research and in discussion with DOD officials as having experience in implementing and evaluating compliance-based or values-based ethics programs in the public and private sectors, both domestically and internationally, to define the concept of values-based ethics and to gather lessons learned from values-based ethics program implementation. A full listing of these organizations can be found in table 5.

To evaluate DOD's tools and performance metrics for identifying, assessing, and measuring its progress in addressing ethics and professionalism issues, we examined assessment tools identified by DOD as containing ethics-related content, including command climate surveys and 360-degree assessments. We used content analysis to review and assess actions the department has taken to implement and use the results of command climate and 360-degree assessments in accordance with statutory requirements⁸ and departmental guidance.⁹ These

⁸ Pub. L. No. 113-66, §§ 587 and 1721 (2013).

⁹ Chairman of the Joint Chiefs of Staff Memorandum, *General and Flag Officer Character Implementation Plan* (Apr. 2, 2013); and Under Secretary of Defense for Personnel and Readiness, *Command Climate Assessments* (Jul. 25, 2013).

requirements pertain to the implementation, tracking, and targeting of these tools, among other things. To do this, we met with officials from the Office of the Secretary of Defense, the military services, and the Joint Staff to obtain information on the status of their efforts to implement and track command climate assessments, and to develop and implement 360-degree assessments for general and flag officers in accordance with statutory requirements and departmental initiatives.¹⁰ We then assessed guidance and instructions developed by the military services and the Joint Staff to determine whether they addressed each of the statutory requirements and departmental guidance related to command climate assessments and 360-degree assessments.

To ensure accuracy, one GAO analyst conducted the initial content analysis by coding the military services' and the Joint Staff's actions with respect to each requirement, and a GAO attorney then checked the analysis for accuracy. We determined that command climate guidance and instructions addressed a statutory or departmental requirement if it addressed each aspect of the requirement. Similarly, we determined the extent to which the military services and the Joint Staff had developed and implemented 360-degree assessments for all general and flag officers by evaluating the steps they had taken to develop and implement these tools for each general and flag officer rank within each organization. Any disagreements in the coding were discussed and reconciled by the analyst and attorney. We also spoke with officials within the Office of the Secretary of Defense, the Joint Staff, and the military services to identify performance metrics that could be used by the department to measure its progress in addressing ethics and professionalism issues, and we assessed the department's efforts to identify such metrics against federal

¹⁰ Chairman of the Joint Chiefs of Staff Memorandum, *General and Flag Officer Character Implementation Plan* (Apr. 2, 2013).

internal control standards and our prior work on performance measurement leading practices.¹¹

In addressing both of our audit objectives, we interviewed officials from the organizations identified in table 5.

Table 5: Organizations Contacted by GAO^a

Department of Defense (DOD)	Office of the Secretary of Defense	Office of the Under Secretary of Defense for Personnel and Readiness, Senior Advisor for Military Professionalism
		Office of the Under Secretary of Defense for Personnel and Readiness, Defense Equal Opportunity Management Institute, Patrick Air Force Base, Florida
		Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics
		DOD Office of General Counsel, Standards of Conduct Office
		DOD Office of the Inspector General
	The Joint Chiefs of Staff	Joint Forces Development Directorate
	U.S. Army	Office of General Counsel
		Office of the Judge Advocate General
		Manpower & Reserve Affairs
		General Officer Management Office
		Center for Army Leadership, Fort Leavenworth, Kansas
		Center for the Army Profession and Ethic, West Point, New York
	U.S. Air Force	Office of General Counsel
		Office of the Judge Advocate General
		Office of Inspector General

¹¹ For example, see performance measurement practices in [GAO/AIMD-00-21.3.1](#); GAO, *Tax Administration: IRS Needs to Further Refine Its Tax Filing Season Performance Measures*, [GAO-03-143](#) (Washington, D.C.: Nov. 22, 2002); *GPRA Performance Reports*, [GAO/GGD-96-66R](#) (Washington, D.C.: Feb. 14, 1996); *Streamlining Government: Questions to Consider When Evaluating Proposals to Consolidate Physical Infrastructure and Management Functions*, [GAO-12-542](#) (Washington, D.C.: May 23, 2012); *Missile Defense: Opportunity to Refocus on Strengthening Acquisition Management*, [GAO-13-432](#) (Washington, D.C.: Apr. 26, 2013); *Performance Measurement and Evaluation: Definitions and Relationships*, [GAO-11-646SP](#) (Washington, D.C.: May 2011). GAO 12-542 specifically discusses the value of federal agencies engaging in large projects, including consolidating management functions, to use performance measures. These criteria were developed by reviewing GAO reports on consolidating initiatives and literature on public-sector consolidations, and interviewing a number of officials selected for their expertise in public management and government reform, among other things.

		Manpower, Personnel, and Services Directorate
	U.S. Navy	Office of General Counsel and Personnel Directorate
		Office of the Judge Advocate General
		Naval War College, Newport, Rhode Island
	U.S. Marine Corps	Office of Counsel for the Commandant
		Manpower & Reserve Affairs
		Lejeune Leadership Institute
Non-DOD Federal Agencies	Office of Government Ethics	
Foreign Military Organizations	Australia Department of Defence	Australian Centre for Defence Leadership and Ethics, Canberra, Australia
		Office of the Inspector General of the Australian Defence Force, Canberra, Australia
	Canada Department of National Defence	Defence Ethics Programme, Ontario, Canada
Other Organizations	Raytheon Company	Office of Ethics and Business Conduct, Waltham, Massachusetts
	Lockheed Martin Corporation	Office of Ethics and Business Conduct
	EthicsOne, Inc.	Executive Leadership, Boston, Massachusetts and Los Angeles, California
	Ethics Resource Center	Executive Leadership

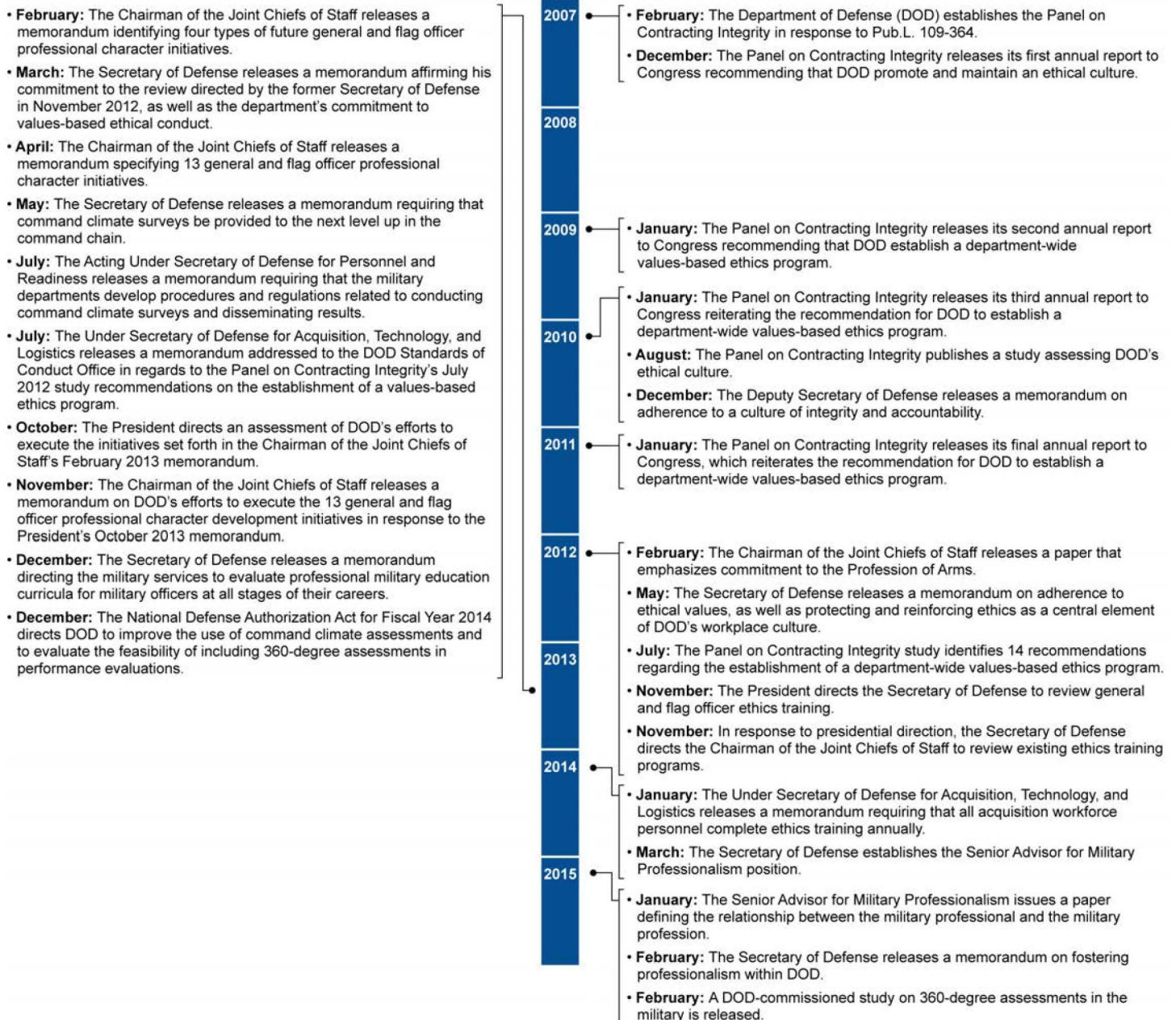
Source: GAO | GAO-15-711

^aUnless otherwise indicated, these organizations are located within the Washington, D.C., metropolitan area.

We conducted this performance audit from September 2014 to September 2015 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix II: Timeline of Key Department of Defense Ethics and Professionalism Events, 2007-2015

Appendix II: Timeline of Key Department of Defense Ethics and Professionalism Events, 2007-2015



Source: GAO analysis of DOD information. | GAO-15-711

Appendix III: Comments from the Department of Defense



SENIOR ADVISOR FOR
MILITARY PROFESSIONALISM

OFFICE OF THE UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

AUG 19 2015

Ms. Brenda S. Farrell
Director, Defense Capabilities and Management
U.S. Government Accountability Office
441 G Street, NW
Washington DC 20548

Dear Ms. Farrell,

This is the Department of Defense (DoD) response to the GAO Draft Report GAO-15-711, "MILITARY PERSONNEL: Additional Steps Are Needed to Strengthen DOD's Oversight of Ethics and Professionalism Issues," dated July 23, 2015 (GAO Code 351977).

Enclosed is DoD's proposed response to the subject report. My point of contact is LtCol Darrell Platz, USMC, who can be reached at 703-692-2416 or darrell.w.platz.mil@mail.mil.

Sincerely,

A handwritten signature in black ink, appearing to read "Marg D. Klein", is written above the typed name.

RADM Margaret D. Klein, USN
Senior Advisor for Military Professionalism

Enclosure:
As stated

**GAO DRAFT REPORT DATED JULY 23, 2015
GAO-15-711 (GAO CODE 351977)**

**“MILITARY PERSONNEL: ADDITIONAL STEPS ARE NEEDED TO STRENGTHEN
DOD'S OVERSIGHT OF ETHICS AND PROFESSIONALISM ISSUES”**

**DEPARTMENT OF DEFENSE COMMENTS
TO THE GAO RECOMMENDATIONS**

RECOMMENDATION 1: To promote and enhance familiarity with values-based ethical decision-making across the department, direct appropriate departmental organization(s), in consultation with the Office of General Counsel and the SAMP or its successor organization(s), to assess the feasibility of expanding annual values-based ethics training to non-mandatory recipients.

DoD RESPONSE: CONCUR WITH COMMENT. The office of the Senior Advisor for Military Professionalism (SAMP) is a temporary office established by Secretary Hagel for a two year term ending no later than March of 2016.

RECOMMENDATION 2: To ensure that the need for a department-wide values-based ethics program has been addressed, direct appropriate departmental organization(s), in consultation with the Office of General Counsel, to identify actions and timeframes for responding to the Panel on Contracting Integrity recommendation, including the 14 related 2012 study recommendations, or alternatively demonstrate why additional actions are unwarranted.

DoD RESPONSE: CONCUR WITH COMMENT. Upon careful review, the DoD concurs, subject to a significant substantive comment. It is important to underscore our understanding from discussions with the GAO staff that, despite what some casual readers may discern, GAO is neither endorsing nor mandating that DoD implement the recommendations set forth in the July 2012 study prepared by EthicsOne, Inc. and the Ethics Resource Center, “United States Department of Defense Values-Based Ethics Program - Phase II, Recommendations for Program Design & Implementation” (“Phase II study”). Instead, we understand that GAO is recommending that DoD assess the recommendations to determine their merit, feasibility, and impact and whether further action is warranted.

We appreciate GAO’s recognition of the DoD Standards of Conduct Office’s (SOCO) efforts to implement more expansive values-based ethics training throughout DoD. However, we are concerned that the statement in the report that SOCO officials “do not plan to take any further action” with respect to the remaining 13 recommendations from the Phase II study could be misunderstood to imply that SOCO is unwilling to consider additional values-based ethics program initiatives. Indeed, the opposite is correct: SOCO embraces values-based ethics training and other initiatives. As noted elsewhere in the report, DoD has practices in place that are consistent with a number of the recommendations in the Phase II study and SOCO is most receptive to assessing and recommending implementation of additional measures where appropriate and feasible.

RECOMMENDATION 3: To inform decision makers on the SAMP's progress as well as the decision regarding the extension of the SAMP's term, direct the SAMP to define timelines and measures to assess its progress in completing its major tasks.

DoD RESPONSE: NON CONCUR. The DoD submission of the FY2015 NDAA report to Congress on military programs and controls regarding professionalism on 1 September 2015 satisfies the requirements of this recommendation.

RECOMMENDATION 4: To increase assurance that commanders are conducting command climate assessments in accordance with statutory requirements and departmental guidance, direct the Secretaries of the Air Force, the Army, and Navy, and the Commandant of the Marine Corps to modify existing guidance or develop new guidance to comply with requirements set forth in the Fiscal Year 2014 National Defense Authorization Act and internal DoD guidance.

DoD RESPONSE: PARTIALLY CONCUR. The Secretary of the Army is in compliance with the requirements set forth in the Fiscal Year 2014 National Defense Authorization Act and internal DoD guidance. The justification to support the Army's compliance is provided below:

GAO assesses that the Army is out compliance with sections 587(b) and (c) of the 2014 NDAA requiring that the execution of command climate assessments or failure thereof to be noted in the commander's Officer Evaluation Report (OER). Section 587 requires "that the results of command climate assessments are provided to the relevant individual commander and to the next higher level of command" and that the service require "the performance evaluations and assessments used by each Armed Force" contain "a statement by the commander regarding whether the commander has conducted the required command climate assessments." Finally, the section requires that "the failure of a commander to conduct the required command climate assessments shall be noted in the commander's performance evaluation."

Army Regulation 623-3, para 2-12j and para 3-7 state that raters must "assess the rated Soldier's performance in fostering a climate of dignity and respect." The command climate assessment is part of this requirement and thus the Army position is that the regulation meets the NDAA's requirements.

GAO assesses that the Army is out of compliance with DOD guidance to survey units of "50 personnel" or less with a larger unit. Army Regulation 600-20 requires command climate surveys at the "company" level. Army Directive 2013-29 states that any unit with less than 30 people must conduct its surveys with their higher headquarters or another unit, and those units between 30-50 personnel may conduct their surveys separately or with another unit at the commander's discretion. The reason for the number 30 is because in order to obtain a DEOMI Organizational Climate Survey (DEOCS) report, the requestor must have at least 16 respondents. The Army's response rate is approximately 58%, so as a service, the Army can go down to a smaller organization size than 50.

Army guidance to Equal Opportunity (EO) professionals and responsible agents executing the surveys for their leadership is to survey the unit at the company-level. The command team of the

company does not generally participate in the survey. The company-level command teams participate in their battalion commander's survey of his/her staff and subordinate command teams. The battalion commander would not re-survey all of his/his organization. The same is true at the brigade, the next higher level of command. The Army position is that this meets the DOD intent for command climate survey utilization.

RECOMMENDATION 5: To better inform the department's approach to senior officers' professional development, direct the Secretary of the Navy, the Commandant of the Marine Corps, and the Chairman of the Joint Chiefs of Staff to assess the need and feasibility of implementing 360-degree assessments for all general and flag officers.

DoD RESPONSE: PARTIALLY CONCUR. DoD concurs with the recommendation to assess the need and feasibility of implementing 360-degree assessments or 360-degree-like feedback assessments where not already being done. However, DoD does not concur that an assessment for all general and flag officers is necessary. Specifically, CJCS reconsideration of the exclusion of joint four-star GO/FOs is not warranted, as the report offers no new data than what was previously considered. Assessments of the need and feasibility of implementing 360-degree assessments should be limited to three-star general/flag officers and below.

DoD believes using a one-size-fits-all 360-degree assessment approach to senior officers' professional development is not advisable. Currently, 360-degree assessments are being used by Services and the Joint Staff for developmental purposes. DoD believes the Services should continue on their current paths, expanding the use of 360-degree assessments as a professional developmental tool-in a way that is tailored to individual Service needs and goals.

RECOMMENDATION 6: To improve DoD's ability to assess its progress in addressing ethics and professionalism issues, direct the SAMP, through the Under Secretary of Defense for Personnel and Readiness, or SAMP's successor organization(s), to identify information sources and develop intermediate goals and performance metrics. At minimum, these performance metrics should be clear, quantifiable, and objective, and should include a baseline assessment of current performance.

DoD RESPONSE: CONCUR WITH COMMENT. The office of the Senior Advisor for Military Professionalism (SAMP) is a temporary office established by Secretary Hagel for a two year term ending no later than March of 2016.

Appendix IV: GAO Contact and Staff Acknowledgments

GAO Contact

Brenda S. Farrell, (202) 512-3604 or farrellb@gao.gov.

Staff Acknowledgments

In addition to the contact named above, Marc Schwartz, Assistant Director; Tracy Barnes; Ryan D'Amore; Leia Dickerson; Tyler Kent; Jim Lager; Amie Lesser; Leigh Ann Sheffield; Michael Silver; Christal Ann Simanski; Cheryl Weissman; and Erik Wilkins-McKee made key contributions to this report.

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